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N.C.HISTORICAL COMMISSION

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SIXTH BIENNIAL REPORT

OF THE

North Carolina Historical Commission

December 1, 1914, to
November 30, 1916

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EDWARDS & BROUGHTON PRINTING CO.
STATE PRINTERS
1916

The North Carolina Historical Commission

J. Bryan Grimes, *Chairman*

W. J. Peele — M. C. S. Noble

D. H. Hill — Thomas M. Pittman

R. D. W. Connor, *Secretary*.....Raleigh

W. S. Wilson, *Legislative Reference Librarian*.....Raleigh

Fred A. Olds, *Collector for Hall of History*.....Raleigh

Report of the North Carolina Historical Commission

To His Excellency,

Hon. Locke Craig,

Governor of North Carolina.

Sir:—In compliance with the law and for the information of your Excellency, I beg leave to submit herewith in behalf of the North Carolina Historical Commission the biennial report of the Secretary of the Commission, December 1, 1914, to November 30, 1916.

Respectfully,

J. Bryan Grimes,
Chairman.

Raleigh, N. C., December 19, 1916.

BIENNIAL REPORT

OF THE

Secretary of the North Carolina Historical Commission

DECEMBER 1, 1914, TO NOVEMBER 30, 1916

To Hon. J. Bryan Grimes, *Chairman,* Messrs. W. J. Peele, D. H. Hill, Thomas M. Pittman, *and* M. C. S. Noble, *Commissioners.*

Gentlemen:—I beg leave to submit a report of the work of the North Carolina Historical Commission for the years December 1, 1914-November 30, 1916.

ORGANIZATION

On April 1, 1915, the term of Hon. J. Bryan Grimes as a member of the Historical Commission expired, but he was promptly reappointed by the Governor for a term ending April 1, 1921.

At a meeting of the Commission held April 12, 1915, Hon. J. Bryan Grimes was reëlected Chairman for the term ending April 1, 1917, and R. D. W. Connor was reëlected Secretary for the same term.

At a meeting of the Commission held on March 23, 1915, Mr. W. S. Wilson was elected Legislative Reference Librarian for the term April 1, 1915, to April 1, 1917.

Office Force

During the period covered by this report the following persons have been in the employment of the Commission:

R. D. W. Connor, Secretary, since December 1, 1914,
W. S. Wilson, Legislative Reference Librarian, since April 15, 1915,
Fred A. Olds, Collector for the Hall of History, since December 1, 1914,
Mrs. J. M. Winfree, Restorer of Manuscripts, December 1, 1914-January 5, 1915; March 15, 1915-November 30, 1916,
Miss Marjory Terrell, stenographer, since December 1, 1914,
Miss Etta Perry, stenographer, April 15, 1915-November 30, 1915,
Miss Frances Wilson, stenographer, December 1, 1915-November 30, 1916,
Miss Isabella Skinner, copyist, March 29-September 15, 1915,
Mrs. W. S. West, file clerk, May 3-July 21, 1915; September 16-October 26, 1915; since November 16, 1915,
Miss Edna Bullock, assistant to the Legislative Reference Librarian, January 1-April 20, 1916,
William Birdsall, messenger, since December 1, 1914.

CLASSIFICATION AND ARRANGEMENT OF COLLECTIONS

EXECUTIVE PAPERS

The work of classifying and arranging the Executive Papers, as described in my last report, was continued. These papers include the thousands of original letters, petitions, memorials, and reports to the governors. They have been arranged in 269 boxes, averaging about 150 pieces to the box. The arrangement is chronological by administrations. The collection embraces the papers of all our governors from Gabriel Johnston, 1735, to Alfred M. Scales, 1889, though, unfortunately, in some cases only a very few papers of certain administrations have been perserved.

LEGISLATIVE PAPERS

On March 18, 1915, the accumulation of Legislative Papers heretofore carelessly preserved, without arrangement, in wooden cupboards in the Capitol, was transferred to the Historical Commission. Upon the completion of the work on the Executive Papers we began a similar work on the Legislative Papers. These papers include the originals of the journals, bills, reports, messages, petitions, memorials, and other papers of the General Assembly from the Revolution to our own time. The collection is equally as important as, and even more extensive than, the Executive Papers. The work of classifying and arranging these Legislative Papers has just been begun, and but little progress has yet been made in it.

HISTORICAL MANUSCRIPTS

The following collections of Historical Manuscripts were arranged and made ready for use:

D. S. Reid Papers, 1803-1880,
R. H. King Papers, 1816-1830,
Alexander Spotswood Letters, 1710-1712,
W. R. Davie Papers, 1778-1817,
John Steele Papers, 1777-1831,
William Duffy Papers, 1785-1809,
Calvin H. Wiley Papers, 1835-1902,
Nathaniel Macon Papers, 1804-1836,
W. H. S. Burgwyn Papers, 1861-1912,
Miscellaneous Papers, 1711-1912.

Other additions that will be hereafter noticed were made to our collections of Historical Manuscripts which have not yet been arranged for use.

REPAIR OF MANUSCRIPTS

The work of reinforcing, restoring, and mounting manuscripts for binding, as described in a previous report, was continued. During the period covered by this report 2,270 pieces were reinforced; 4,363 restored; and 10,194 mounted for binding.

Binding

The following collections were bound and are now available for use:

Z. B. Vance Papers, 1827-1895, in 15 volumes,
A. D. Murphey Papers, 1797-1830, in 3 volumes,
W. L. Saunders Papers, 1866-1888, in 1 volume,
Cornelia P. Spencer Papers, 1859-1903, in 2 volumes,
D. S. Reid Papers, 1803-1880, in 4 volumes,
R. H. King Papers, 1816-1830, in 1 volume,
Alexander Spotswood Letters, 1710-1712, in 1 volume,
J. H. Bryan Papers, 1773-1906, in 5 volumes,
Walter Clark Manuscripts, 1783-1913, in 5 volumes,
Bryan Grimes Papers, 1844-1912, in 4 volumes,
W. R. Davie Papers, 1778-1817, in 1 volume,
John Steele Papers, 1777-1831, in 3 volumes,
William Duffy Papers, 1785-1809, in 1 volume,
Calvin H. Wiley Papers, 1835-1902, in 7 volumes,
Lombardy Grove Account Book, 1806, in 1 volume,
Revolutionary Army Accounts, in 12 volumes.

Sixty-two volumes were bound during the period covered by this report. These volumes average from 125 to 150 mounted sheets each. The following collections were made ready for the binder:

Nathaniel Macon Papers, 1804-1836,
W. H. S. Burgwyn Papers, 1861-1912,
Miscellaneous Papers, 1711-1912,
Clark Plantation Book, 1825-1861.

CARD INDEX

A card index, showing the writer of the document, the date, the place at which it was written, the person to whom addressed, his address, a brief description of the document, and its location in our collections, was made to the following collections:

Z. B. Vance Papers,
E. J. Hale Papers,
J. H. Bryan Papers,
A. D. Murphey Papers,
W. L. Saunders Papers,
Cornelia Spencer Papers,
D. S. Reid Papers,
Dartmouth Manuscripts,
R. H. King Papers,
Spotswood Letters,
David L. Swain Manuscripts,
W. A. Graham Papers,
Walter Clark Manuscripts,
Bryan Grimes Papers,
William Duffy Papers,
W. R. Davie Papers,
John Steele Papers.

A similar index was made to the letter books of the following governors:

Richard Caswell, 1777-1779,
Alexander Martin, 1782-1785,
Richard Caswell, 1785-1787,
Samuel Johnston, 1787-1789,
Alexander Martin, 1789-1792,
Richard Dobbs Spaight, 1792-1795,
Samuel Ashe, 1795-1798,
William R. Davie, 1798-1799,
Benjamin Williams, 1799-1802,
James Turner, 1802-1805,
Nathaniel Alexander,[1] 1805-1807,
Benjamin Williams,[1] 1807-1808,
David Stone, 1808-1810,
William Hawkins, 1811-1814,
William Miller, 1814-1817,
John Branch, 1817-1820,
Jesse Franklin, 1820-1821,
Gabriel Holmes, 1821-1824,
Hutchins G. Burton, 1824-1827.

ACCESSIONS

ADDITIONS TO OLD COLLECTIONS

To collections already begun the following additions were made:

Thomas Ruffin Papers, 306 pieces, secured through Dr. J. G. DeR. Hamilton. The Ruffin Papers, numbering more than 2,000 pieces, were copied in our office and have been edited by Dr. Hamilton for publication by the Historical Commission.

John H. Bryan Papers, 94 pieces, presented by Col. J. Bryan Grimes.

Pettigrew Papers, 4 letters, presented by Col. J. Bryan Grimes; and 4 letters presented by Hon. James A. Pearce, of Chestertown, Md.

Zebulon B. Vance Papers, 3 letters, presented by Mr. Ed. Chambers Smith of Raleigh; one letter presented by Chief Justice Walter Clark; one letter secured in New York.

Van Buren Papers, 1 letter (photostat print) secured from the Library of Congress.

Bond Papers, 24 documents of the Colonial period, received from the late Miss Matilda Bond, Edenton.

John Steele Papers, 11 letters, presented by Misses Martha and Margaret Steele of Carlisle, Pa., through Dr. Archibald Henderson.

Bryan Grimes Papers, 5 letters, presented by Col. J. Bryan Grimes.

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[1]Governors Alexander and Williams used the same letter book.

New Collections

WILLIE P. MANGUM PAPERS

From Dr. Stephen B. Weeks of Washington, D. C., we received 2,025 letters, and from Mr. Willie P. Mangum Turner of Wilmington, 55 letters and other documents of Willie P. Mangum. These papers were all copied in the office of the Commission and are being edited by Dr. Weeks for publication by the Commission.

DAVID S. REID PAPERS

From Miss Henrietta S. Reid of Reidsville the Commission received 562 letters and other documents of her grandfather, the late David S. Reid, Governor of North Carolina 1851-1854, and United States Senator 1854-1859. These papers were mounted and bound in four volumes under the title "D. S. Reid Papers." They form one of our most valuable collections.

W. HENRY HOYT MANUSCRIPTS

From Mr. W. Henry Hoyt of New York the Commission secured two volumes, comprising

(1) Notes from North Carolina newspapers of 1800-1830 in the Library of Congress.
(2) Notes from North Carolina newspapers of 1790-1810 in the Library of Harvard University.
(3) Indexes to the above notes.
(4) Typewritten copies of selections from the "Papers of Colonel William Polk (1785-1834) of North Carolina, consisting mostly of letters written to him between 1822 and 1832 on the subject of the Presidential Campaigns of Andrew Jackson and the Controversy of the Trustees of the University of North Carolina and the State of Tennessee." These copies were made from the originals in the possession of Henry C. Yeatman of Ashwood, Tenn.
(5) Copies of letters and documents relating to Archibald D. Murphey.
(6) Letters, notes, memoranda, etc., made by Mr. Hoyt while writing his "Mecklenburg Declaration of Independence" and editing his "Papers of Archibald D. Murphey."

EMMETT MANUSCRIPTS

From the Emmett Manuscripts in the New York Public Library we had copied 125 letters written to or by North Carolinians.

CORNWALLIS' ORDER BOOK

Chief Justice Walter Clark presented to the Commission the original Order Book, September, 1780-March, 1781, of Lord Cornwallis during his campaigns in the Carolinas.

THOMAS POLLOK LETTER BOOK

From Mrs. John W. Hinsdale the Commission received a copy of Governor Thomas Pollok's letter book, 1710-1720, copied from the original in 1859 by John Devereux. The book also contains a few letters of a later date written by Cullen and George Pollok.

THOMAS COX LETTER BOOK

Mr. Albert L. Cox of Raleigh presented to the Commission the plantation letter book of his grandfather, Thomas Cox, from 1825-1828.

WARREN WINSLOW LETTER BOOK

From Mr. Joe Seawell we secured the official letter book of Hon. Warren Winslow, Military Secretary of Governor Henry T. Clark, containing his correspondence from July 1 to August 19, 1861.

BREVARD PAPERS

Mr. F. Brevard McDowell of Charlotte presented a collection of papers of the Brevard family, embracing 184 pieces from the years 1775 to 1869, inclusive.

BEAUREGARD PAPERS

At a sale of the papers of the late General P. G. T. Beauregard, C. S. A., we secured 119 letters and other papers of Governor Z. B. Vance, General D. H. Hill, and General W. H. C. Whiting, all relating to military affairs in North Carolina during the Civil War.

GORDON PAPERS

From Mrs. J. F. Pilsen of Wilkesboro, niece of the late General James B. Gordon, C. S. A., we secured 33 manuscripts of General Gordon's, all bearing on military affairs during the Civil War.

SCOTT PAPERS

Mr. W. W. Scott of Lenoir presented to the Commission a small but interesting collection of letters of Bishop W. M. Green, Bishop John Ravenscroft, Rev. Adam Empie, and other distinguished North Carolina clergymen. The collection contains 33 pieces.

GALES LETTERS

From the Massachusetts Historical Society we secured a collection of 41 photostat prints of the correspondence of Seaton Gales, Weston R. Gales, and Winifred Gales with Jared Sparks. The originals are in the Sparks Manuscripts in the Harvard University Library.

COWLES PAPERS

Mrs. Calvin J. Cowles of Wilkesboro presented a large number of papers and letter books of her husband, the late Colonel Calvin J. Cowles. The collection has not yet been examined thoroughly enough to justify an expression of opinion as to its value.

STONE PAPERS

Mr. Alfred Williams of Raleigh presented to the Commission a collection, numbering 72 pieces, of the papers of the Stone family, of which Governor David Stone was a member. The papers cover the period from 1750-1847.

CANTWELL PAPERS

From the family of the late Colonel John L. Cantwell of Wilmington we received a collection of 79 pieces relating chiefly to military operations around Wilmington in the spring and summer of 1861. Among the papers of this collection are 17 Confederate Muster Rolls. The most interesting piece in the collection, however, is a small leather-bound pocket memorandum book in which Colonel Cantwell, while himself a prisoner on Morris Island in 1864, made a list of his fellow prisoners who have become known in Confederate history as "The Immortal Six Hundred." The following title, in Colonel Cantwell's writing, accurately describes this memorandum book: "Original List taken on Morris Island at the time of the 600 Confederate States Officers selected for retaliation and sent from Fort Delaware, Aug. 20, 1864."

LONDON PAPERS

Major Henry A. London of Pittsboro presented 4 letters of Judge Samuel Spencer, 1781-1789; and 4 letters written by Major London himself and his brother, the late Captain William L. London, during the Civil War. In the collection also is a diary kept by John London of Wilmington of a tour from Wilmington to Boston and return in the year 1800.

MERRIMON'S JOURNAL

An interesting addition to our collections is Chief Justice A. S. Merrimon's manuscript "Journal on the Circuit, beginning with the fall term of the Superior Court for Buncombe County, October 8, 1858." In this journal Judge Merrimon, then a young attorney just beginning his career, records his experiences on the circuit and gives interesting character sketches of the attorneys practicing in the courts with him, among them being his future rival, Zebulon Baird Vance, who, like Merrimon, was then just at the beginning of his career.

ROLL BOOK OF SLAVES

An interesting little memorandum book, presented by Mrs. A. C. Avery of Morganton, contains a list of the slaves of the Avery family, showing the dates of births, etc., from 1766 to 1865.

CONFEDERATE RECORDS

In addition to the 17 Confederate Muster Rolls received in the Cantwell Papers, mentioned above, we received the following:

Muster Roll of Co. A, 2d North Carolina State Troops, 1861, A. D. Hall, Captain. This document was picked up on the battlefield of New Bern, in 1862, by J. S. Aitcheson, a Federal artillery officer, who sent it, with interesting comments about the battle, to Nelson Whittier of Massachusetts. It later passed into the possession of Mr. Whittier's son, W. R. B. Whittier, now of Atlanta, Ga., who sent it to the North Carolina Historical Commission through Messrs. A. A. and E. L. Meyers, attorneys of Atlanta.

Muster Roll of Co. H, 41st Regiment, North Carolina Troops, from June 30 to August 30, 1863. J. W. Moore, Captain; J. A. Baker, Colonel.

Muster Roll of Co. A, 1st Artillery, 10th Regiment, North Carolina State Troops. Basil Manly, Captain.

Muster Roll of Co. B, 7th Battalion, 1st Cavalry, North Carolina Troops, July 5-August 31, 1862. George N. Folk, Colonel. Presented by Captain William P. Moore of Hayesville.

Enlistment Papers. One enlistment paper of a Confederate soldier, presented by John C. Syme; six others presented by R. L. Merritt.

Pay rolls of the 4th Regiment, North Carolina Troops, C. S. A., Bryan Grimes, Colonel. Presented by Miss Sophie M. Grimes, who received them from her father, Major John Gray Blount Grimes, Quartermaster of the regiment.

MISCELLANEOUS PAPERS

From various sources we received letters and other manuscripts and printed documents which must be included under the nondescript title of "Miscellaneous Papers." A few of these may be especially noticed as follows:

Badger, George E. Eight letters to James A. Pearce, U. S. Senator from Maryland, 1843-1862. Presented by his son, Hon. James A. Pearce, of Chestertown, Md.

Rayner, Kenneth. Three letters to Senator Pearce. Presented by Judge Pearce.

Davie, William R. Certificate of his services as Grand Master of Masons, by Robert Williams, Grand Secretary of the Grand Lodge of North Carolina and Tennessee, June 15, 1807. Presented by Hon. Walter Clark.

Lee, Robert Edward, and others. A collection of 12 letters, including letters of Robert E. Lee, Mary Custis Lee, Braxton Bragg, Robert F. Hoke, D. H. Hill, and others. Loaned by Mr. Howard Jones of Warrenton.

Holmes, Gabriel. Letter to William H. Beatty, Washington, D. C., March 27, 1828. Presented by Mr. Henry Beatty, Tomahawk, N. C.

Confederate Records. A. L. S. of Col. Louis G. Young to Major W. J. Baker, February 10, 1864, giving an account of the charge of Pettigrew's Brigade at Gettysburg, July 3, 1863; the original record of the meeting of the delegates from Kirkland's Brigade, Army of Northern Virginia, at Camp Pickett, February 25, 1864, to consider certain publications reflecting upon the conduct of the Brigade during the battle of Gettysburg. Presented by Hon. Francis D. Winston, Windsor.

Spencer, Cornelia Phillips. Copy of a letter to Francis D. Winston, February 20, 1903. Presented by Francis D. Winston.

Broadside. Plan for the settlement of 552,500 Acres of Land in the District of Morgan, county of Wilkes, in the State of North Carolina, North America, between 36 and 27 Degrees North Latitude, and 80 and 82 Degrees West Longitude. Printed document, London, England (1795). Presented through Mr. Worthington C. Ford of the Massachusetts Historical Society, by Mrs. Charles H. Joy of Boston. It is a copy of the same document presented by Mr. R. A. Derby of Jackson Springs, N. C., recorded in my report of 1912-1914.

Murphey, Archibald DeBow. From Mr. E. V. Howell, Chapel Hill, 31 autograph letters and other autograph documents of Archibald D. Murphey.

Caswell, Richard; Johnston, Samuel; and other eminent North Carolinians, 38 pieces. From various sources.

Branch, John. Photostat prints of Governor Branch's message to the Legislature of Florida, January 10, 1845; copies of two wills of Governor Branch's father. Presented by Marshall DeLancey Haywood, Raleigh.

Harnett, Cornelius. Autograph will signed. Dated April 28, 1781. Presented by the Commissioners of New Hanover County.

Jones, Allen. Will, bonds, and other documents of Allen Jones and other prominent North Carolinians, 1781-1808. 37 pieces. Received from Mrs. James Sprunt, Wilmington.

Waddell, Hugh, and others. 10 pieces. Received from Mrs. A. M. Waddell, Wilmington.

Saunders, Romulus M. Washington, D. C. January 20, 1824. To [David L. Swain]. A. L. S. Presented by Hon. Walter Clark.

Rogers, Sion. Raleigh. July 31, 1844. To Sion H. Rogers, Chapel Hill. A. L. S. Presented by Mr. William Rogers, Raleigh, N. C.

Ney, Peter Stuart. The original autograph manuscript of "Reminiscences of Peter Stuart Ney, the Great Marshal of France," by Major James H. Foote of Wilkesboro. 1908. Presented by Hon. O. H. Allen, Kinston.

Fort Fisher. Sketch of the plans of Fort Fisher, with a sketch-map of the Cape Fear and Atlantic Ocean showing the positions of the Confederate and Union War vessels, 1865.

Slave sale. Bill of sale of a negro girl, February 26, 1846. Presented by Mr. J. W. Barrett, Rocky Mount.

Hardee's "Tactics." A copy of Hardee's "Tactics" used by Col. Francis W. Bird, 11th Regiment, North Carolina Troops, C. S. A. Presented by Hon. Francis D. Winston.

New Bern. Lithograph of New Bern in 1864.

From various other sources we have received 116 manuscripts, including letters from such men as William Gaston, George E. Badger, Francis L. Hawks, James C. Dobbin, John A. Gilmer, Edward B. Dudley, and others hardly less distinguished in our history.

LOCAL AND COUNTY RECORDS

We have been fortunate during the past year in the number of valuable local and county records which have been deposited with the Commission. This is the beginning of a movement which ought to be encouraged. The act creating the Historical Commission authorizes officials in charge of such local and county records, not in current use, to deposit them with the Commission for preservation. But few of the counties are prepared to take proper care of such records, and as their value is largely historical it would seem to be the part of wisdom for the county authorities to take advantage of this provision of the law and by depositing their old records with the Historical Commission assure their preservation and make them available for students of our history, at the same time relieving the congestion in their own offices and securing additional space for current records. The following county records have been deposited with the Historical Commission:

Beaufort County:

1. Court Records of Beaufort County, 1756-1761.

Carteret County:

1. Court Records, 1723-1764.
2. Appearance Docket, 1741-1756.
3. Registrar's Records, 1717-1724.
4. Registrar's Records, 1752-1759.
5. Registrar's Records, 1765-1775.
6. Indentures, wills, powers of attorney, 1731-1740.
7. Deeds, 1724-1728.
8. Deeds, 1728-1748.

Chowan County:

1. Miscellaneous Court Papers (274 pieces), 1693-1778.

Edgecombe County:

1. Registrar's Records, 1736-1741. Presented by Miss Ursula Daniel, Halifax.

Halifax County:

1. Wills, 1759-1774.
2. Wills, 1775-1781.

New Hanover County:

1. Minutes of Court of Common Pleas, 1737-1741.
2. Minutes of Court of Common Pleas, 1759-1761.
3. Minutes of Inferior Court of Pleas and Quarter Sessions, 1764-1767.
4. Minutes of Inferior Court of Common Pleas and Quarter Sessions, 1767-1768.
5. Minutes of Inferior Court of Common Pleas and Quarter Sessions, 1768-1769.

6. Constables appointed for New Hanover County, 1774-1790.
7. Superior Court Records, 1790.
8. Minutes of Court of Pleas and Quarter Sessions, 1811-1813.
9. Minutes of Superior Court of Pleas and Grand Sessions, 1760-1783.

Orange County:

1. Trial Docket, 1768-1773.
2. Minute Docket, 1768-1788.
3. Colonial Tax Lists.

Perquimans County:

1. Marriages, births, and deaths, 1658-1735.
2. Marriages, births, and deaths, 1709-1820.
3. Court Records, 1688-1793.
4. Registrar's and Court Records, 1735-1738.
5. Registrar's Records, 1738-1744.

Wilkes County:

1. Wills, bonds, deeds, inventories, 1778-1799.
2. Minutes of Court of Pleas and Quarter Sessions, 1796-1797.

MAPS

From England we secured the following maps:

"New Description of Carolina, colored, 12x16, engraved by Francis Lamb, on cardboard mount." (1675-?)

Twenty-two folding maps of America, including maps of the seat of war in America in 1776, in Georgia, South Carolina, North Carolina, and the other states.

North Carolina, "A New and Accurate Map of North Carolina in North America." Shows counties. 14x10½. Circa 1780.

PUBLICATIONS

The following publications were issued during the period covered by this report:

Bulletin No. 17. Fifth Biennial Report of the North Carolina Historical Commission, December 1, 1912, to November 30, 1914. Paper. 23 pages.

Bulletin No. 18. Proceedings of the Fifteenth Annual Session of the State Literary and Historical Association of North Carolina, at Raleigh, December 1-2, 1914. Paper. 150 pages.

Bulletin No. 19. Autobiography of Asa Biggs, including a Journal of a trip from North Carolina to New York in 1832. Edited by R. D. W. Connor. Paper. 51 pages.

Bulletin No. 20. Proceedings of the Sixteenth Annual Session of the State Literary and Historical Association of North Carolina, at Raleigh, November 8-9, 1915. Paper. 120 pages.

North Carolina Manual for 1915. Compiled and edited by R. D. W. Connor for the use of the members of the General Assembly of 1915. Cloth. 356 pages.

The Papers of Archibald D. Murphey. Edited by William Henry Hoyt. Cloth. 2 volumes.

North Carolina Schools and Academies, 1790-1840; A Documentary History. Edited by Charles L. Coon. Cloth. 846 pages.

The following bulletins were reprinted in order to meet the continued demand for copies:

Bulletin No. 1. The North Carolina Historical Commission. Creation and Organization; Duties and Powers; Plans and Purposes. By R. D. W. Connor. 1907. Paper. 16 pages.

Bulletin No. 2. The North Carolina Historical Exhibit at the Jamestown Tercentennial Exposition. By Miss Mary Hilliard Hinton. 1907. Paper. 44 pages.

Bulletin No. 3. The Second Biennial Report of the North Carolina Historical Commission. 1906-1908. Paper. 18 pages.

Bulletin No. 4. David Paton: Architect and Builder of the North Carolina State Capitol. An address by Samuel A. Ashe. 1909. Paper. 16 pages.

Bulletin No. 5. The Great Seal of the State of North Carolina, 1666-1909. By J. Bryan Grimes. Paper. 26 pages.

THE NORTH CAROLINA CONFEDERATE HISTORY FUND

The most notable event of the year in North Carolina, in historical work, was the creation by the North Carolina Division, United Confederate Veterans, of "The North Carolina Confederate History Fund." At the annual meeting of that organization, October 20, 1915, a resolution was adopted providing for the raising of a fund of $25,000 to be devoted to the preparation of a history of North Carolina's part in the War Between the States. The resolution provided that when this amount had been raised it should be turned over to the North Carolina Historical Commission with the request that the Commission select a suitable person for the work and supervise the expenditure of the fund. A committee consisting of James I. Metts, Julian S. Carr, R. H. Ricks, W. L. London, and A. H. Boyden was appointed to raise the required amount. When this committee met, December 21, 1915, to organize for its work, Mr. R. H. Ricks, with a generosity without parallel in the history of North Carolina, requested that he might personally be permitted to donate the entire sum of $25,000. His generous offer was accepted, and the Historical Commission was notified that the fund was available for the purpose to which it was dedicated. Accepting the trust, the Commission at once entered into a contract with Dr. D. H. Hill to prepare the proposed work, and Dr. Hill, resigning the presidency of the North Carolina A. and M. College, entered upon his task July 1, 1916.

THE JULE CARR RESEARCH FUND

Another generous gift to history marked the year just ended. This was the creation of a fund of $500 annually by General Julian S. Carr

to meet the expenses of the Director of the Hall of History in prosecuting his work. General Carr designated this as "The Jule Carr Research Fund." His generosity enabled Colonel Olds to spend most of his time during the past year in visiting many sections of the State in search of historical relics for the Hall of History, in which he met with marked success.

HALL OF HISTORY

During the past two years 2,124 exhibits were added to the collections in the Hall of History. Special attention is called to the Confederate battle-flags carried by North Carolina regiments, 24 of which were secured during the past two years, and to the portraits added to our portrait collection. Another feature of the work of the Hall of History that is attracting attention is the effort to secure portraits of all persons for whom counties in North Carolina have been named. A collection of 54 of these portraits has already been made.

Report of the Director

The Director of the Hall of History submits the following report of his work:

The chief event of the period covered by this report was the setting apart by General Julian S. Carr of Durham of a fund for the prosecution of the work attendant upon the Hall of History, to be known as "The Jule Carr Research Fund." This fund became effective June 1, 1915. Since that date I have visited many parts of the State and collected objects illustrating all the periods in the State's history. Another feature of this work has been the making of talks upon historical subjects before schools in cities, towns, and rural districts. Excellent results often followed, not only in helping us to secure historical objects, but in the dissemination of information and in the bringing of many visitors to the Hall of History. The number of visitors to the Hall of History during the twelve-month just past exceeded considerably that during any similar period, and the percentage of teachers and students has steadily increased. People from many states of the Union have been among those who have viewed the large and constantly increasing collections.

Special efforts have been made to secure the flags of the North Carolina regiments in the Confederate service, and 24 of these have been added, including the Second, Third, Sixth, Seventh, Eighth, Tenth, Seventeenth, Twentieth, Twenty-third, Twenty-fifth, Twenty-seventh, Thirtieth, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-eighth, Fifty-first, Sixty-third, Sixty-seventh (two flags), Sixty-ninth, Seventy-second. The story of these flags has been inscribed upon them, and in the case of those of the Thirty-eighth, Thirty-ninth, Forty-eighth, and Sixty-ninth Regiments there were very effective public presentations to me as director of the Hall of History.

A number of the flags which at the outbreak of the war were given to local companies of troops in various cities, towns, and country districts has also been collected. These flags have a very human interest as showing the spirit of the people at the outset of the Civil War.

The collection of uniforms has been greatly enlarged. Only the Colonial period of our history now remains without illustration in this collection.

Oil portraits of the following North Carolinians have been added to the portrait gallery in the Eastern Hall:

Barker, Thomas. Distinguished Colonial lawyer; member of the Colonial Assembly from Chowan County, 1760-1761. Lent by Miss Matilda Bond of Edenton.

Barker, Penelope. Chairman of the Edenton Tea Party, 1774. Lent by Miss Matilda Bond of Edenton.

Hodgson, Thomas. Lent by Miss Matilda Bond of Edenton.

Hooper, William. 1742-1790. Signer of the Declaration of Independence. Painted by Jacques Busbee. Presented by the North Carolina Society Sons of the Revolution.

Burgwyn, John. Clerk of the Colonial Council, 1760-1771; Member of the Colonial Assembly from Bladen County, 1773-1774. Painted by John Singleton Copley. Lent by Mrs. W. H. S. Burgwyn.

Joyner, James Yadkin. 1862— Teacher. State Superintendent of Public Instruction since 1902; President National Educational Association, 1909-1910; Member Rockefeller Sanitary Commission; Trustee of the University of North Carolina. Painted by Jacques Busbee. Presented by the North Carolina Teachers' Assembly.

Burgwyn, William Hyslop Sumner. Confederate soldier; Colonel 2d Regiment, N. C. Volunteers, Spanish-American War; Trustee of the University of North Carolina. Painted by G. S. Almaine. Lent by Mrs. W. H. S. Burgwyn.

Burgwyn, Harry King. Colonel 26th Regiment, N. C. Troops, C. S. A. Killed at the head of his regiment in the Battle of Gettysburg, July 2, 1863. Painted by William Garl Browne. Lent by Mrs. W. H. S. Burgwyn.

Yates, William J. Editor Charlotte Democrat; Member of the Council of State, 1859-1860. Trustee of the University of North Carolina, 1879-1889. Painted by Mrs. Marshall Williams. Presented by his family.

Caldwell, Joseph Pearson. 1853-1911. Editor of the Charlotte Daily Observer, 1891-1911. Painted by Mack Long. Presented by R. R. Clark and other friends.

Gordon, James B. 1822-1864. Brigadier General, C. S. A. Painted by William Garl Browne. Presented by Mrs. J. P. Pilsen.

Hawkins, William J. 1819-1894. President of the Raleigh and Gaston Railroad Company, 1855-1875; President Citizens National Bank, Raleigh, 1890-1894; Trustee University of North Carolina, 1881-1894. Painted by William Garl Browne. Presented by Mrs. Colin M. Hawkins.

Hoke, Robert Frederick, 1837-1912. Major General, C. S. A. Painted by Harold McDonald. Lent by Mrs. Alexander S. Webb.

Long, George W. President North Carolina Medical Society. Painted by Mack Long. Presented by the North Carolina Medical Society.

Ramseur, Stephen Dodson. 1837-1864. Major General, C. S. A. Presented by Miss Mary Dodson Ramseur.

Roberts, William Paul. Brigadier General, C. S. A. Member Constitutional Convention of 1875; State Auditor, 1880-1889. Painted by J. E. Heffner. Presented by Mrs. William P. Roberts.

Turner, Josiah, 1821-1901. Editor The Raleigh Sentinel. Painted by Mrs. Marshall Williams. Presented by Major William A. Graham and other friends.

The following pieces of statuary have been received:

Washington, George. Plaster replica by Canova. Presented by the Italian Government. Transferred from the Capitol to the Hall of History.

Greene, Nathanael. Plaster model, one-half size, from which was made the equestrian statue erected by the United States Government at Guilford Battle Ground, July 3, 1915. By F. H. Packer. Presented by the Guilford Battle Ground Company.

Calhoun, John Caldwell. Marble bust. By Hiram Powers. Presented to the State by Wharton J. Green. Transferred from the Capitol to the Hall of History.

Wiley, Calvin Henderson. Marble bust. By Frederick Ruckstuhl. Presented to the State by the school children of North Carolina, through the North Carolina Teachers' Assembly.

The collection of Indian relics has been notably enlarged and great care has been taken so to group and label them as to make clear the uses to which they were put.

The courthouses in a number of the older counties were visited and the oldest records brought in for study, repair, and preservation, in some cases these having already been badly damaged by careless handling and lack of proper care.

One of our objects has been to illustrate some of North Carolina's great stories and historic events, such as the Edenton Tea Party; the part North Carolina played in the War of the Revolution, and in the War Between the States; the Moravian and the Scotch settlements; the slavery period; the whole story of Indian life, old and at present; social and domestic life during various periods; North Carolina's adaptability to trying conditions, including the women's work in the Revolutionary and Civil War periods. Many diaries of human interest and real value have been secured, together with a number of war maps of the Confederate period.

The Director is grateful to the hundreds of persons who have given or lent all sorts of material for the Hall of History, to Dr. D. H. Hill, for his coöperation and interest, and to the heads of the various patriotic societies for the zeal with which they are coöperating.

The Director has been able to aid various other State institutions by

gifts of pictures, coins, Indian relics, and other objects, which are duplicates, and has in turn received as gifts from educational institutions a number of things of value, which have taken their proper places in the collections.

The loss by fire in the State has been so vast and so irreparable that it is doubtful whether some gaps can ever be filled. When one adds to the fire losses those due to carelessness, it seems remarkable that so many objects have been secured. And yet there are thousands more, but the owners of many of these have never caught a vision of all North Carolina and the true meaning of a collection like this; they seem to see no further than their own doorsteps, and literally, to use a Biblical phrase, are "Hiding their light under a bushel."

There are before us, however, two tasks: first, to ascertain the location of objects, and, second, to bring the vision of safety and helpfulness to the great public—that is, the State—before the eyes of owners. The measure of success in both these aims has been large, yet there are years of work ahead to ransack North Carolina for those things to which the State alone can give proper care.

FRED A. OLDS,
Director of the Hall of History.

LEGISLATIVE REFERENCE LIBRARY

The Legislative Reference Librarian submitted the following report:

In presenting the report of the work of this Department of the Historical Commission for the period beginning April 15, 1915, and ending November 30, 1916, I do not think it out of place to include a brief history of the activities which led to its establishment.

That Legislative Reference Departments have proved of value elsewhere is attested by the fact that they are being operated successfully in three-fourths of the states, while many of the more progressive cities and a large number of private business concerns are making use of such agencies with satisfactory results.

Interest in the establishment of such a department in North Carolina has been growing for ten years, but not until 1910 was any definite action taken or recommendation made for its creation.

In his annual report for that year Hon. J. Bryan Grimes, Secretary of State, endorsed the measure and urged the enactment of a law to create a Legislative Reference Buretu. A bill was introduced in the General Assembly of 1911, but failed to pass. A similar bill, presented during the session of 1913, met a like fate.

In his report for 1914 Secretary Grimes said:

"As I have written in several former reports, one of the most necessary officers in North Carolina is a Legislative Reference Librarian, or some one charged with the duties of such an officer, as has been found necessary in most of the states of the Union. This office, as has been aptly said,

would be 'a clearing house for information upon public affairs.' Not only do most of the states have such an officer, but many of the cities, larger libraries, and universities have such an institution, and the larger corporations frequently have such a bureau.

"It would be the duty of that department to give condensed, comprehensive, impartial, accurate information on every subject on short notice. For the busy legislator it would have ready the accumulated, classified experiments and experiences of all other states and countries upon every question of legislation that would be likely to arise. The want of time does not permit the most careful and scrupulous legislator to gather for himself from authentic sources full information of digested data upon the many bills he has to consider.

"A Legislative Reference Librarian would be a most useful and economical officer to the state. It could be made his duty to collect, tabulate, and annotate information for the use of the members of the General Assembly upon all questions of legislation coming before that body. He should make references and analytical comparisons of legislation upon similar questions in other states, and have at hand the laws of other states, papers, magazine articles, and discussions of the question both pro and con. Such indexing, tabulating, and general information would be invaluable to the busy legislator. It could be made this officer's duty to edit all laws for the state printer, annotating the laws as passed, and keeping the Revisal of 1905 revised to date. He should also assist in the preparation of bills for current legislation, thereby avoiding much duplication and much unnecessary printing."

Following this recommendation, at the session of 1915 a bill for the creation of a Legislative Reference Department, to be placed under the supervision of the Historical Commission, was introduced by Hon. Frank Thompson, Senator from the Seventh District, who gave a great deal of time and faithful work towards securing its passage. After hearings before several committees, all of which gave favorable reports, the bill was passed unanimously both by the Senate and House of Representatives.

PURPOSES OF THE DEPARTMENT

The work of the Department can be set forth in no clearer or more succinct terms than are contained in the act creating it. They are:

"The North Carolina Historical Commission are hereby authorized and required to appoint a properly qualified person to be known as a Legislative Reference Librarian, whose duty it shall be to collect, tabulate, annotate, and digest information for the use of the members and committees of the General Assembly, and other officials of the State, and of the various counties and cities included therein, upon all questions of state, county, and municipal legislation; to make references and analytical comparisons of legislation upon similar questions in other states and nations; and to have at hand for the use of the members of the General Assembly the laws of other states and nations as well as those of North Carolina, and such other books, papers, and articles as may throw light upon questions under consideration. It shall further be his duty to keep the Revisal of 1905 revised to date.

"It shall also be his duty to classify and arrange by proper indexes, so as to make them accessible, all public bills relating to the aforesaid matters heretofore introduced into the General Assembly, and he shall perform such other duties as may be required of him by said North Carolina Historical Commission. He shall also, upon request by members of the General Assembly, secure all available information on any particular subject named."

AMENDMENTS TO REVISAL OF 1905

The first work of the Department was the preparation, publication, and distribution of the Amendments to the Revisal of 1905 enacted by the General Assembly of 1915. This pamphlet, containing sixteen closely written pages, was sent to the state, county, and city officials, and to the lawyers of the state before the public laws were distributed. For this reason, and because of its convenient arrangement, it was very serviceable and was highly commended by many of the leading men of the state.

As soon as this pamphlet was finished, work was begun on the Amendments to the Revisal from 1907 to 1915, inclusive. This was a long and tedious undertaking, and required about four months work. It was completed about September first. Copies were sent to all persons who had requested the bulletins of the Department, to all state officers, and a number of the larger libraries throughout the United States. It was highly commended by scores of lawyers, justices of the peace, and business men generally. A number of newspapers and other publications have published complimentary reviews of it.

This bulletin of 170 pages contains not only the acts specifically amending the Revisal, arranged by section numbers with chapter references, but also a reference index to all the public laws enacted since the publication of the Revisal, so that any public law may be located quickly and references to all legislation relating to the subject will be found under the proper title.

PUBLIC-LOCAL AND PRIVATE LAWS

A card index has been made covering all town and corporation charters and amendments since 1835, and all other private and public-local laws from 1907 to 1915, inclusive.

The index is especially valuable in locating in a few minutes all legislation enacted within the period given relating to counties, towns, road districts, etc.

Another index has been made of those bills which failed to pass from 1907 to 1915. There are frequently requests for copies of these bills and the petitions sent to the General Assembly. This index makes all this material available for use without loss of time in locating it.

EQUIPMENT

About twelve thousand books, pamphlets, reports, laws, and clippings have been procured from other states and countries and have been classi-

fied and filed under appropriate headings in strong paper file boxes. It has been impossible, except in three or four instances, to procure the latest revisions of the laws of other states and the session laws since their enactment, but from a majority of the states the laws of the 1915 session of the General Assembly have been procured, together with several hundred pamphlet copies of various laws. These publications have been furnished on exchange account.

In order to render the best service it will be necessary to procure the statute laws of the various states so that they may be instantly available for use. Most of them are in the Supreme Court Library, but in many instances volumes are lacking, so that nowhere in the State is there to be found complete sets of these laws. In a number of states the codified laws are prepared and published privately. In such cases they may be had by purchase only. The officials having in charge the distribution of the session laws of many states are authorized to send only one copy to each state on exchange account, so that to procure complete sets of these revisions and subsequent statutes will require a considerable expenditure of money, which we have so far been unable to make.

Several magazines and newspapers of value have also been received on exchange account, while subscriptions have been given for a number of the leading periodicals usually made use of in departments of this character. Others will be added from time to time as the work progresses.

Very few books have been purchased. Most of the material collected is published by the various departments of the state and United States governments. In order to meet the requirements of the Department it will be necessary to purchase a number of standard books which treat of the various phases of legislative and governmental questions.

CLASSIFICATION OF MATERIAL

During October, 1915, under the direction of the Commission, the Secretary, Mr. Connor, and I went to Albany and inspected the New York Legislative Reference Bureau, which was one of the first departments of the kind established in the United States. We were shown every courtesy and offered all possible facilities for making a study of the work done and the methods used.

After this examination it was decided that it would be more economical and better in every way to procure a trained librarian to come here and assist in the planning and working out of a proper system rather than spend there the time necessary to get a workable knowledge of the methods used.

Upon recommendation, Miss Edna D. Bullock of the Legislative Reference Bureau of Nebraska was employed for three months, and began on January first the arrangement and classification scheme which is now used.

On April 17, 1916, I was asked by Chief Justice Clark to act as Secre-

tary of the Commission on Revision of Courts and Court Procedure, and have given considerable time to the correspondence incident to the work of that body, and have collected a great deal of material for its use. The tentative report of the Commission has been widely distributed both within and without the state. A final report will be issued before the meeting of the General Assembly, and bills will be prepared and presented to carry into effect the recommendations of the Commission.

I have also assisted in the administration of the state-wide primary law and the election law under the State Board of Elections. This service has prevented the necessity of having one or more members of the State Board of Elections almost constantly engaged here for a greater part of the time since April first of the present year.

While the greater part of the work in the Library so far has been the accumulation and classification of material, and no attempt has been made to acquaint the people generally with the service it proposed to render, there is constantly increasing demand from all sections of the state for information which heretofore has not been available in any department. These requests are given prompt attention. Legislative committees appointed by various organizations have been supplied with material and in a number of instances special collections have been made for their use.

To meet expected demands in the preparation and passage of the general laws made necessary by the enactment of the constitutional amendments an attempt has been made to secure copies of or references to the laws enacted in all the states which have similar constitutional provisions.

On September first I sent a circular-letter to all candidates for state offices and members of the General Assembly, and to a number of other leading citizens of the state, setting forth the necessity for the passage of the four constitutional amendments then pending, and asked for letters expressing their views on these measures.

About fifty responses were received, duplicated and furnished to the press of the state for publication. Several of the daily papers co-operated heartily and published all the material furnished them. A number of the weeklies also published these letters or made favorable editorial references to them and to the amendments. I am satisfied that to this publicity is due in part the large majorities given for these measures at the recent election.

As soon as the names of the members-elect of the Senate and House of Representatives were available, I forwarded a letter to each of them outlining the scope of service rendered by the Library and placed its facilities at their disposal. In this letter I asked for a statement setting forth the particular legislation in which each member is interested, and from their replies I have been enabled to gather the trend of legislative thought, and I am securing as full information as is obtainable relating to the subjects given.

With sufficient time for collecting material and adequate room for its storage, and an additional appropriation for the purchase of the necessary books and equipment, as well as the employment of a sufficient number of assistants to meet the demands made upon it, I am convinced that the Legislative Reference Library will prove to be not only an economical department, but an indispensable one.

With the coöperation and assistance of the members of the General Assembly for whose benefit the Library was primarily created, it will achieve the same measure of success that similar agencies have merited in other states.

Respectfully submitted,

W. S. Wilson,
Legislative Reference Librarian.

Raleigh, N. C., December 1, 1916.

SUMMARY

Summarizing the above report, we find the following results of our work for the two years from December 1, 1914, to November 30, 1916:

1. We arranged and filed, so as to be available for use, the letters and papers of the governors of North Carolina dating from 1735 to 1889, and numbering approximately 40,000 documents.

2. We reinforced 2,270 manuscripts, restored 4,363, and mounted for permanent binding 10,194.

3. We bound in handsome and durable binding 66 volumes, averaging 125 documents each, and made ready for the binder 4 others.

4. To the collections of the Historical Commission we added 46 photostat prints, 127 typewritten copies, and 3,867 original manuscripts, making a total addition of 4,070 pieces, besides 39 bound volumes of original records and 24 maps.

5. A card index, containing approximately 15,000 cards, each card giving the name of the writer of the document, the date, the place at which it was written, the person to whom addressed, his address, a brief description of the document, and its location in our files, was made to 36 different collections.

6. The Commission issued 8 new publications and reprinted 5 others.

7. The interest which our work is arousing in the state, and the support it is receiving, was manifested by the creation of two funds for historical research, of both of which the Commission was made trustee, viz, "The North Carolina Confederate History Fund" of $25,000, and "The Jule Carr Research Fund" of $500 annually.

8. To the Hall of History 2,124 exhibits were added. Notable among these are: 24 Confederate battle-flags, 17 oil portraits, and 4 pieces of statuary.

9. A Legislative Reference Library was organized which issued two valuable bulletins; made a card index to all town and corporation

charters issued since 1835, and to all private and public-local laws from 1907 to 1915, inclusive, and to bills which failed to pass the Legislature from 1907 to 1915, inclusive; and collected, classified, and arranged more than 12,000 books, pamphlets, reports, laws, etc., for the use of members of the General Assembly.

R. D. W. CONNOR,
Secretary.

RALEIGH, N. C., December 1, 1916.

PROCEEDINGS

OF THE

SEVENTEENTH ANNUAL SESSION

OF THE

State Literary and Historical Association of North Carolina

RALEIGH

December 5-6, 1916

Compiled by

R. D. W. CONNOR

Secretary

RALEIGH
EDWARDS & BROUGHTON PRINTING CO.
STATE PRINTERS
1917

The North Carolina Historical Commission

J. Bryan Grimes, *Chairman*, Raleigh.

W. J. Peele, Raleigh.

D. H. Hill, Raleigh.

Thomas M. Pittman, Henderson.

M. C. S. Noble, Chapel Hill.

R. D. W. Connor, *Secretary*, Raleigh.

Officers of the State Literary and Historical Association

1915-1916.

President ..... Howard E. Rondthaler, Winston-Salem.
First Vice-President ..... Miss E. A. Colton, Raleigh.
Second Vice-President ..... Francis D. Winston, Windsor.
Third Vice-President ..... Henry A. London, Pittsboro.
Secretary-Treasurer ..... R. D. W. Connor, Raleigh.

Executive Committee
(With Above Officers).

J. O. Carr, Wilmington.
W. L. Poteat, Wake Forest.
Clarence Poe, Raleigh.
Mrs. Margaret B. Shipp, Raleigh.
R. B. Drane, Edenton.

1916-1917.

President ..... H. A. London, Pittsboro.
First Vice-President ..... Mrs. Marshall Williams, Faison.
Second Vice-President ..... T. M. Pittman, Henderson.
Third Vice-President ..... Mrs. W. N. Reynolds, Winston-Salem.
Secretary-Treasurer ..... R. D. W. Connor, Raleigh.

Executive Committee
(With Above Officers).

J. G. deR. Hamilton, Chapel Hill.
F. B. McDowell, Charlotte.
E. C. Brooks, Durham.
W. P. Bynum, Greensboro.
A. W. McLean, Lumberton.

PURPOSES OF THE STATE LITERARY AND HISTORICAL ASSOCIATION

"The collection, preservation, production and dissemination of State literature and history;

"The encouragement of public and school libraries;

"The establishment of an historical museum;

"The inculcation of a literary spirit among our people;

"The correction of printed misrepresentations concerning North Carolina; and—

"The engendering of an intelligent, healthy State pride in the rising generations."

ELIGIBILITY TO MEMBERSHIP—MEMBERSHIP DUES.

All persons interested in its purposes are invited to become members of the Association. There are two classes of members: "Regular Members," paying one dollar a year, and "Sustaining Members," paying five dollars a year.

RECORD OF THE STATE LITERARY AND HISTORICAL ASSOCIATION.

(Organized October, 1900).

Fiscal Years.	*Presidents.*	*Secretaries.*	*Paid up Membership.*
1900-1901	Walter Clark	Alex. J. Feild	150
1901-1902	Henry G. Connor	Alex. J. Feild	139
1902-1903	W. L. Poteat	George S. Fraps	73
1903-1904	C. Alphonso Smith	Clarence Poe	127
1904-1905	Robert W. Winston	Clarence Poe	109
1905-1906	Charles B. Aycock	Clarence Poe	185
1906-1907	W. D. Pruden	Clarence Poe	301
1907-1908	Robert Bingham	Clarence Poe	273
1908-1909	Junius Davis	Clarence Poe	311
1909-1910	Platt D. Walker	Clarence Poe	440
1910-1911	Edward K. Graham	Clarence Poe	425
1911-1912	R. D. W. Connor	Clarence Poe	479
1912-1913	W. P. Few	R. D. W. Connor	476
1913-1914	Archibald Henderson	R. D. W. Connor	435
1914-1915	Clarence Poe	R. D. W. Connor	412
1915-1916	Howard E. Rondthaler	R. D. W. Connor	501
1916-1917	H. A. London	R. D. W. Connor	521

AWARDS OF THE PATTERSON MEMORIAL CUP.

1905—John Charles McNeill, for poems later reprinted in book form as "Songs, Merry and Sad." (Presentation by Theodore Roosevelt.)

1906—Edwin Mims, for "Life of Sidney Lanier." (Presentation by Fabius H. Busbee.)

1907—Kemp Plummer Battle, for "History of the University of North Carolina." (Presentation by Francis D. Winston.)

1908—Samuel A'Court Ashe, for "History of North Carolina." (Presentation by Thomas Nelson Page.)

1909—Clarence Poe, for "A Southerner in Europe." (Presentation by James Bryce.)

1910—R. D. W. Connor, for "Cornelius Harnett: An Essay on North Carolina History." (Presentation by T. W. Bickett.)

1911—Archibald Henderson, for "George Bernard Shaw: His Life and Works." (Presentation by Lee S. Overman.)

1912—Clarence Poe, for "Where Half the World is Waking Up." (Presentation by Walter H. Page.)

1913—Horace Kephart, for "Our Southern Highlanders." (Presentation by Maurice G. Fulton.)

1914—J. G. deR. Hamilton, for "Reconstruction in North Carolina." (Presentation by W. K. Boyd.)

1915—William Louis Poteat, for "The New Peace." (Presentation by Josephus Daniels.)

1916—No Award.

WHAT THE ASSOCIATION HAS ACCOMPLISHED FOR THE STATE—SUCCESSFUL MOVEMENTS INAUGURATED BY IT.

1. Rural libraries.
2. "North Carolina Day," in the schools.
3. The North Carolina Historical Commission.
4. Vance statue in Statuary Hall.
5. Fire-proof State Library Building and Hall of Records.
6. Civil War battlefields marked to show North Carolina's record.
7. North Carolina's war record defended and war claims vindicated.
8. Patterson Memorial Cup.
9. Lecture Extension Work started in leading cities and towns.
10. A program of Library Extension Work begun.

STATE ART COMMISSION.

At the session of the Association in 1915 a committee was appointed to report to the session of 1916 on the advisability of the State's creating a State Art Commission. The committee reported the proposal favorably, and submitted a proposed bill for that purpose. This bill was approved by the Association. It was introduced in the General Assembly of 1917, but failed of passage. It will again be introduced in 1919. In the meantime the Literary and Historical Association will undertake to create sufficient sentiment for the measure to insure its success.

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Proceedings and Addresses of the State Literary and Historical Association of North Carolina

MINUTES OF SEVENTEENTH SESSION

RALEIGH, DECEMBER 5-6, 1916

Tuesday, December 5th.

The Seventeenth Annual Session of the State Literary and Historical Association of North Carolina was called to order in the auditorium of Meredith College, Raleigh, N. C., Tuesday evening, December 5, 1916, at 8:30 o'clock, with President Rondthaler in the chair. After a few opening remarks, congratulating the Association upon its successful work in the past, President Rondthaler delivered the annual presidential address. At the conclusion of the President's address Miss Charlotte Ruegger, of Meredith College, rendered a violin solo accompanied by Miss Elizabeth Futrell. President Rondthaler then presented Mr. L. Ames Brown, a native of North Carolina who is now a newspaper correspondent of Washington, D. C., who read a paper on "The President and the Presidency." At the conclusion of Mr. Brown's paper the President of the Association announced that the Committee on the Award of the Patterson Memorial Cup had determined to make no award for the year 1916.

Wednesday Morning, December 6th.

The Association was called to order in the Hall of the House of Representatives by President Rondthaler at 10 o'clock. The President presented Dr. W. T. Laprade, Professor of European History in Trinity College, who read a paper on "A New Epoch." Dr. Laprade was followed by Dr. W. W. Pierson, Jr., Associate Professor of History at the University of North Carolina, who presented a paper on "The Sovereign State of North Carolina, 1787-1789." Prof. Collier Cobb, Professor of Geology at the University of North Carolina, followed Dr. Pierson, addressing the Association on "Historic Highways in North Carolina." At the conclusion of Mr. Cobb's address Mr. W. C. A. Hammel, Chairman of the Committee on a State Art Commission, presented the report of the Committee, which was embodied in a proposed bill for introduction into the General Assembly, providing for a State Art Commission of five members to act in an advisory capacity in the acquisition, erec-

tion and remodeling of State buildings, memorials, monuments, and other works of architecture and art. After some discussion the report of the committee was adopted, and the committee was authorized to have the bill introduced in the General Assembly, and to act as a steering committee to secure its passage.

The President appointed a nominating committee consisting of Hon. J. Bryan Grimes, Dr. R. B. Drane, Miss Mary O. Graham, Mrs. T. W. Lingle, and Mr. Marshall DeLancey Haywood.

It was moved and carried that a committee of three on increase of the membership of the Association be appointed, and the President stated that he would announce the committee later.

WEDNESDAY AFTERNOON, DECEMBER 6TH.

The session was called to order by President Rondthaler in the Hall of the House of Representatives at 3:30 o'clock. Mr. W. S. Wilson, Legislative Reference Librarian, read a paper on "Suffrage in North Carolina." He was followed by Mr. T. M. Pittman, member of the North Carolina Historical Commission, who presented a paper on "The History of Crimes and Punishment in North Carolina." Miss Minnie W. Leatherman, Secretary of the North Carolina Library Commission, presented a report on "North Carolina Bibliography for 1915-16." The Committee on Nominations reported the following nominations for the year 1916-17:

Major H. A. London, Pittsboro, President.
Mrs. Marshall Williams, Faison, First Vice-President.
T. M. Pittman, Henderson, Second Vice-President.
Mrs. W. N. Reynolds, Winston-Salem, Third Vice-President.
R. D. W. Connor, Raleigh, Secretary-Treasurer.

The report of the committee was unanimously adopted.

WEDNESDAY EVENING, DECEMBER 6TH.

President Rondthaler called the Association together at 8:30 o'clock, in the auditorium of Meredith College. The session was opened with a violin solo by Miss Charlotte Ruegger, accompanied by Miss Elizabeth Futrell. President Rondthaler then presented Governor Locke Craig, who introduced former President William Howard Taft. Governor Craig paid tribute to Mr. Taft's qualities of statesmanship and legal abilities, especially to those acts of his administration as President that tended to obliterate the sectional feeling between the North and the South. He characterized Mr. Taft as a genuine and true man, worthy of the high honors which the American people had bestowed upon him.

Mr. Taft addressed the Association on "Edward Livingston and His Relations to Thomas Jefferson, John Marshall, and Andrew Jackson." At the conclusion of Mr. Taft's address the Association adjourned *sine die*. Following the adjournment of the Association the Raleigh Woman's Club tendered a reception to the members of the Association and their guests, in their club rooms.

ADDRESSES

President's Address

BY HOWARD E. RONDTHALER.

A summary of the purposes of the State Literary and Historical Association of North Carolina, as published by the society in 1914, declares that this Association stands for six well-defined objects, to wit:

"The collection, preservation, production and dissemination of our State literature and history.

"The encouragement of public school libraries.

"The establishment of an historical museum.

"The inculcation of a literary spirit among our people.

"The correction of printed misrepresentations concerning North Carolina, and

"The engendering of an intelligent and healthy State pride in the rising generations."

It is with the sixth and last of these purposes that I am particularly concerned in these remarks, and I ask permission to paraphrase this statement in the following words:

"That we may learn to think intelligently and with healthy pride in terms of our own State," and this is nothing else than learning to add both to our national and local point of view that estimate which gives the State her full and well deserved place.

This will be recognized as that once, perhaps, over-emphasized point of view from which we have now too much receded. And it is a strangely far swing of the pendulum that such a statement could ever in fairness and truth be made of a considerable, if younger, portion of our North Carolina citizenship. But then, I submit, is it not a paradox that any American State so clearly and closely definable as is its legal entity and so jealously bounded as is its political individuality should at the same moment be so vaguely and faintly differentiated in its physical characteristics and in its social composition from any of its near-by neighbors?

No one who has crossed from one European country to another, especially if he has made the passage on foot, but has been struck by the instant demarkation. Probably some great natural physical boundary has, in the first place, emphasized that passage; then he has suddenly come into an environment of a new language, new customs, perhaps changed habits of dress, a new coinage, and over all and in constant reminder, a new flag.

Is it, perhaps, that some of the vagueness and indifference of our State-thought, especially in these restless days of ceaseless travel and transit, is due to this elemental geographic difficulty arising from the meandering, nondescript and inconsistent lines of demarkation which are supposed to separate us from our sister commonwealths?

With great zest and spirit we speak, and still more we sing, concerning the fair borders of this fair State, but, I submit, we well know the while we thus sing that in reality our borders are nothing but arbitrary lines, and that no living man can tell except he keep his eyes fixed upon some occasional marker when he really is passing from North Carolina into Tennessee, Georgia, South Carolina, or Virginia.

This State, like most others,—study the map for yourself—blends and blurs into the next neighbor, and, except for the word of the surveyor,—and history knows how they have quarreled about it—there is no boundary at all. Every day this imaginary line is traversed without let or hindrance, without challenge or ceremony, without sentiment, consciousness or concern.

Now that delight and distinctness of thought which is so necessary a constituent of patriotism demands and presupposes a certain fact of separateness, and the first great destroyer of physical distinctiveness is this blur of boundary so characteristic of North Carolina.

One may ask in all frankness and in all good affection for North Carolina, pray what have we which is geographically, geologically (elementally), physically distinctive which is really and separately ours and ours alone?

Our mountains? But are they indeed in their totality ours? Are they not first borrowed and then later shared? Do we not return them as a sort of loan from one State to be duly passed on to three other States?

Our rivers? Are they surely and fixedly ours? Have you, I may say confidentially, ever considered the extraordinarily unpatriotic and fickle conduct of our rivers? Three alone are there—the Cape Fear, the Tar, and the Neuse—that elect to abide at home in North Carolina where they were born, bred and brought up. As to the others, no sooner does the Yadkin grow up and see the chance than she not only deserts us, but even flaunts her infidelity by changing her very name and with additional gleeful insult, now that she is once gone from us, suddenly assumes the very unnecessary adjective "Great" to her new entitlement, becoming then the Great Pee Dee. The Dan,—well you know what the Dan does, how she flirts back and forth across the Virginia line, and as though to hide her inconsistency changes her name, too, in an eleventh-hour repentance, and in her now slowly declining course becomes at last

a returned prodigal Roanoke. The Little Tennessee and the fair French Broad leave us to go westward; and our thirsty neighbor, South Carolina, is almost wholly watered—mind you, *watered*—from North Carolina mountain sources.

What have we, then, both distinctive and separate? Our sand hills and pine forests? We share these both to the north and south, with this exception—that our sister States hid them with embarrassed apologies until we discovered that sand hills and pine barrens could be made to spell harvest and health—peaches in the crate and peach bloom on the cheeks.

Our far-famed and oft-sung climate? Do we not but take this while in transit from somewhere to everywhere? These whispering winds of which our poets sing, have they not whispered into other ears ere they found the ears of North Carolinians? and, departing hence, are they not but seeking and finding new fields for their gentle, albeit inconstant, sighings?

What is our own? The Dismal Swamp? Why even this we share with Virginia.

No wonder it is difficult to think with prompt clearness upon such a widely shared background. And what is more, the very size, and especially one peculiar dimension of this State, offers a sort of disconcerting challenge to that mind seeking obedience to the aforementioned sixth commandment of the State Literary and Historical Association of North Carolina: Thou shalt think of North Carolina with an intelligent and healthy State pride.

Though not the largest in the sisterhood of States, North Carolina is not frequently surpassed in size, but what is more to the point, there is ever that disconcerting peculiarity of one of the dimensions of North Carolina, *i. e.*, that ungainly diagonal of elongation from northeast to southwest, which produces a result peculiarly disturbing in an attempt at concrete and concentrated State-thinking. Nothing could be worse in this respect, except perhaps a panhandle, for every one who knows the panhandle States knows how really serious and distracting and unescapable an affliction a panhandle is in matters of State solidarity. It is, therefore, an unescapable item of fact in our State existence that, whereas we are of such comparatively limited dimensions in the direction in which most folks want to go and along which they therefore think, *i. e.*, north and south, we are so awkwardly overgrown in our chief dimension along the line which trade and traffic are least disposed to travel and people least accustomed to think. There have been men—I myself have known one such—who have journeyed those nearly five hundred miles from Cherokee to Currituck and have survived. The one

I knew always talked about it as an epoch, much as Washington Irving says men did in his boyhood who had actually been to Europe and back.

Of what, then, do we think when, in the spirit of our sixth associated duty, we strive to think not more highly than we ought to think, but to think soberly of dear old North Carolina? Probably, first of all, of a sort of picture on a map. North Carolina—there she lies—behold her? Now why is it that these map-makers always make North Carolina a pale green or a feeble pink? Can you imagine any less appropriate color for a rugged, sturdy, wrinkled old State? But is it not true that most of us, when we seek to visualize North Carolina, instantly see either faded green or insipid pink?

Or is our point of view when we "think North Carolina" a sort of instant mentally defiant attitude which we have through long experience come instinctively to assume as of those put on their defensive and ready with patriotic counter-rejoinder to offset some criticism or depreciation directed against our State?

Or is it a sort of sweet, lulling, sentimental, gentle, fragrant reverie into which we instantly drop? Magnolias and moonlight and crepe myrtles and mockingbirds?

Or is it that we attempt a confused and hurried review of places and scenes that we love—a certain town, appealing in its very homeliness; a certain neighborhood, very quiet and unspoiled; a certain landscape, gentle, verdant, forest-fringed and overhung with the bluest of skies?

Or is it that we think with a sudden heart-quickening sense of *just folks*—folks we know and folks who know us, folks we like and folks who like us, folks in whom we believe and whom we understand—our sort of folks, Carolina folks.

Of course if a citizen living within an American State had no especial reason to come into frequent and vital relationship with his own State it might be a matter of comparative indifference if his State point of view were vague and his State sentiment faint, but such is the organic construction of our American State that in reality we are very definitely dominated, directed, restrained and controlled thereby. The State, I submit, is designed to come into most intimately influencing and essential touch with our daily lives.

"All the civil and religious rights of our citizens depend upon State legislation; the education of the people is in the care of the State; with it rests the regulation of the suffrage; it prescribes the rules of marriage, and the legal relations of husband and wife, of parent and child; it determines the powers of masters and servants and the whole law of principal and agent, which is so vital a matter in all business transactions; it regulates partnership and debit and credit insurance; it con-

stitutes all corporations, both private and municipal; it controls the possession, distribution and use of property, the exercise of trade, and all contract relations; it formulates and administers all criminal law, except crimes against the United States, on the high seas, or against the law of nations. Space would fail in which to enumerate the particular items in this vast range of power; to detail its parts would be to catalogue all social and business relationships, to set forth all the foundations of law and order." I am quoting the definition of the State as given some years ago by Woodrow Wilson, a Professor of Jurisprudence and Politics in Princeton University.[1]

How could the extent and gravity of our relation to the State be more tersely and comprehensively set forth?

Has it perchance been the result of long dinning into our Southern ears that State spiritedness is unpatriotic—is at variance with national heartedness—that we see so great carelessness as to the State point of view? Or is it an extreme tendency to localism, each neighborhood group so intent upon its own affairs, yea each individual so self-centered, that the wider relations of life, to wit the State, is a matter of utter indifference? Has it perhaps been the hard problem of pruning our own private vine and cultivating our own private fig tree which has led us to undue concentration upon our own personal affairs at the cost of a State mindedness?

I have often looked down from the pinnacled top of our Pilot Mountain, Surry County, and observed in how many instances each single farm is clustered about and literally hemmed in with its own separating forest, so that a man's horizon is daily limited to his own immediate acres; and I have wondered whether this was perhaps both typical and explanatory of our prevailingly local point of view.

What, then, may serve to quicken this so desirable a State point of view? What, then, may contribute to heighten for us an intelligent and healthy appreciation of our own State?

Let a North Carolinian, when he thinks of his own State, learn to think of her in terms of abiding historic incident and of individual character and leadership. What a muster roll is ours in historic person, place, and event! The ever-kindling story of Roanoke Island and Virginia Dare; the successive settlements and distinctive influences of Quakers, Cavaliers, Swiss, Scotch, Scotch-Irish, and Germans; the Regulator War and the Battle of Alamance, Harvey, Harnett and Independence, Mecklenburg and Edenton, Moore's Creek and Guilford, Caswell, Ashe, Gates, Green, Davie, Swain, Vance, and Aycock. These and many others like them, these are ours, and these when known, studied

[1]The State, p. 473.

and appreciated, tend to foster an intelligent and healthy State pride. Let him think of North Carolina in terms of her friendly, well-knit, neighborly, well-acquainted folks—folks with a unique and special opportunity to know and esteem one another because free from the domination, political, social and commercial, of any single city, with its invariable overlording, its intolerant attitude and supercilious airs—those airs and that attitude which in other less fortunate States are so apparent in the city's smug assurance and rasping intolerance towards the rest of folks.

This State that obtains its leaders straight from the soil, and where no one ever dreams it necessary to offer an explanation or an apology because a man came from a farm or from a village.

While 46 per cent of the total population of the Nation is urban, which per cent in Massachusetts runs as high as 92 per cent, and in New York as 78 per cent, only 14 per cent of North Carolina's population lives in cities or towns with as many as 2,500 people. Indeed, all the so-called cities in North Carolina if combined would only give us a Reading, Pa., or a Trenton, N. J.

Let him learn to think in terms of a State abounding in that good foundation fact of the Republic—that is, home life; single households living as units and each under its own roof. And if he be challenged on this point, let him assure himself with the fact that of the 450,000 families of North Carolina only 2 per cent must combine to live at the unhappy rate of more than one family beneath the same roof.

He who would think of North Carolina, let him think in well justified terms of her marvelous progress. That his is the State which leads the Union in the number of cotton mills and factories and in the amount of raw cotton consumed, and ranks second only to Massachusetts in the value of manufactured cotton products. The State which has doubled the value of its manufactured products in the last six years; the State which leads all the South and Southwest in the number of manufacturing establishments, in the number of wage-earners, in the total amount of wages ($46,000,000), and in the values added annually by the processes of manufacture ($119,000,000).

That his is the State which can and does raise literally everything from sub-tropic figs to sub-arctic cereals and grasses, with a growing season that reaches as high as 267 days in the year. That his is the State which doubled its crop values from 1900 to 1910, and again from 1910 to 1916, and is now producing annually from its soil $242,000,000 worth of agricultural products.

But most of all, if he values his State point of view, let him learn to think of North Carolina in terms of service, a service due from him by

reason of his obligation to the past and a service laid upon him now with pressing insistence by those present conditions which challenge the spirit to serve on the part of all good citizens. We have come far in this present generation, but we shall have much before us that is compelling and constraining. Let him reflect that 71 per cent of all the land in North Carolina is today a wilderness of idle acres, 22 million such idle acres the most part of which is yet in scrub pine and broom sedge. Let him feel the challenge of this fact, *i. e.*, that we could double our present rural population without disturbing a single home or a single now cultivated acre and still have left 5 million wooded acres, forest enough for the fuel and lumber needs of our thus doubled rural population. That, although our pro rata actual school attendance outranks every other Southern State and is within 1 per cent of the average for the entire United States, and although illiteracy has dropped marvelously in the past ten years, and although our illiteracy per cent is now lower than that of any of our Southern neighbors, there are yet a quarter of a million of illiterates within the State. Let him include this fact in his point of view.

Let him in all good conscience hear and heed the call to community service, rural and urban. Let him enlist in the combat against preventable disease, poverty, juvenile crime, and all forms of social injustice. Let him be the sort of man who proves his love of North Carolina by serving North Carolina, and who earns his right to citizenship not by the accident of suffrage, but by the high claim of service—our North Carolina, old, wrinkled, worn and homely, yet alert, aggressive and virile, with a compelling quietness, a satisfying strength and a mastering gentleness! The sort of a State you have to love and, therefore, the sort of State you want to serve.

Edward Livingston

By William H. Taft.

When Secretary Root was urging me to accept President McKinley's appointment to the Philippines and was pointing out the reasons why I should go, he said, among other things, "You will have the same opportunity for making a Code that Livingston had in Louisiana." At the time I confess I only had an indefinite idea of who Livingston was, or what his Code was, and in the interval since that time my interest in him was not again aroused until in the study of the limitations of the power of the President and his responsibilities I ran across a reference to the only suit, so far as I know, which has ever been brought against a President to recover personal damages for an official act as a tort. It was the suit of Edward Livingston against Thomas Jefferson. The exceptional character of the action led me on to the story of its origin, and then into the very romantic and remarkable life of the plaintiff in that action. I have no doubt that all the incidents that my reading and investigation developed were well known in the politics of one hundred years ago, but a century dims much that it would seem never could be forgotten. At the risk, therefore, of reciting what may be well known to many of my auditors, I thought I would take for my subject tonight some of the chapters in the life of a very able and brilliant lawyer, in which he came into relations, friendly and otherwise, with such men as Thomas Jefferson, John Marshall, and Andrew Jackson.

Edward Livingston was one of the Livingstons of New York. He was born in one of the Livingston manors on the Hudson, the youngest of a large family. Robert Livingston, the Chancellor of New York, the First Foreign Secretary of the United States under the Confederation, and the Minister to France who negotiated the Louisiana Treaty with Napoleon, was his elder brother. His sister married General Montgomery, who fell at Quebec. Edward was born in 1764, and graduated at Princeton at the age of seventeen in 1781. He studied law at Albany in the office of Chancellor Lansing, and James Kent, Alexander Hamilton and Aaron Burr were his intimate fellow students. He was strongly attracted to the civil law, and gave much attention to its study. He understood French, Spanish, and German, and spoke French fluently and clearly. He began the practice of law in New York, and soon acquired a high reputation as a lawyer. Mr. Livingston was a lover of literature and poetry, and was an orator with most fluent and felicitous diction. He was greatly interested, however, in politics, and had strong Republican leanings. He was elected to the Fourth Congress in 1794,

again in 1796, and again in 1798. He was an earnest supporter of Jefferson. When Congress was presenting an address to Washington on the occasion of his retirement two of the small minority of Congressmen who objected to certain parts of that address and refused to make the vote unanimous were Andrew Jackson and Edward Livingston, a circumstance that many years after probably made easy the intimate association into which these two men came. Mr. Livingston afterwards explained, in testifying to his great admiration for Washington, that he did not object to the praise of the man, but he thought the approval of his administration in the resolutions was unmeasured. It was Mr. Livingston who moved the resolution requesting President Washington to submit to the House of Representatives the correspondence between the State Department and Chief Justice Jay concerning the negotiations of the Jay Treaty. The President's refusal was based on the ground that the House of Representatives was not part of the treaty-making power, and its duty was merely to perform obligations which the Government was in honor bound to meet by reason of a treaty duly made and confirmed. You may remember that the House of Representatives then passed the Blunt resolution, asserting that in all matters requiring the action of the House to perform the obligations of a treaty, the House had a right to be consulted. In President Adams's administration Mr. Livingston moved resolutions which criticised severely President Adams's conduct extraditing to England one Robbins, an Irishman, charged with murder on an English ship on the high seas, who had escaped to South Carolina, where he was arrested. President Adams wrote to the United States Judge, giving it as his opinion that the charge of piracy against the accused could not be sustained, and saying that if the judge found the facts charged to be probably true he would issue his warrant of extradition in response to a request from the British Government. The judge agreed with the President, that the offense was not piracy, and found there was probable cause for the charge of murder. Robbins was delivered to the British agent, taken to England, indicted, tried, and hung. The Jay Treaty provided for extradition for each country to the other of fugitives charged with murder and other crime, but in view of the unpopularity of the treaty Congress had passed no act providing the usual statutory machinery for effecting such extradition. The resolutions charged the President in this case with unduly interfering with the judicial branch of the Government and with violating the rights of Robbins by such executive exercise of power.

John Marshall was a member of the same Congress. Livingston and Gallatin both spoke in support of the resolutions, and Marshall answered.

Marshall's answer is one of the most convincing and able legal arguments ever made. It is reported that Gallatin took notes of Marshall's argument for a time, and then threw away his memoranda. He was asked whether he was going to reply to Marshall, and he said he had intended to do so, but that his argument was unanswerable. Marshall demonstrated that under the constitutional duty imposed upon the President of taking care that the laws be faithfully executed, and the provision of the Constitution peculiar to our country that treaties are laws whenever they contain language mandatory and not promissory, it was not only the power but it was the peculiar function of the President to perform the obligation of the Government and deliver over this accused person who came within the letter and the spirit of the written obligation for extradition. The argument was subsequently published in the 5th Wheaton, United States Supreme Court Reports, Appendix, page 1. One hundred years later Mr. Justice Gray, speaking for the Supreme Court, cited this argument of Marshall as a conclusive demonstration of the power of the President in the execution of treaties as the law of the United States.

Upon his retirement from Congress, at the end of Adams's administration and the beginning of Mr. Jefferson's, Mr. Livingston was appointed by Mr. Jefferson to be United States District Attorney for New York. At the same time Governor George Clinton appointed him to be mayor of the city of New York. Such pluralism would not be permitted now, but in those days it did not evoke public criticism. Mr. Livingston held both offices for nearly three years. Then something occurred which colored his whole life, and which revealed in him a defect of character that followed him throughout his great career and added much to his disappointment and sorrows. An epidemic of yellow fever broke out in New York. Mr. Livingston was most active in his efforts to stamp out the disease and to aid those of the people who were stricken. He contracted the disease himself, but after a severe illness recovered from it. While engaged in his works of relief a Government agent from Washington visited his office as District Attorney and examined his accounts. In those days the United States Attorney collected funds for the Government and retained large sums on deposit. The examiner found that Mr. Livingston was short in his accounts, and first reported the deficit as reaching $100,000. A subsequent audit reduced it, however, to $40,000. The deficit was due in part at least to the embezzlement of a trusted clerk, but there was much confusion in Mr. Livingston's financial affairs, and the defalcation grew out of a habit, which was inveterate with him, of free living beyond his means. Livingston at once deeded all his property to the Government of the

United States and resigned both offices. The citizens of New York, grateful to him for his great and efficient aid to them during the yellow fever crisis, petitioned him to withdraw his resignation, but he declined to change his purpose and immediately left for New Orleans, where he arrived in February, 1804, with $1,000 in his pocket, to begin life anew. He was then forty years of age. His first wife, by whom he had three children, had died in 1801. His children were too young to take with him to New Orleans, and leaving them with a sister he went alone. His love of the civil law and his familiarity with it, his knowledge of French and Spanish, and his belief that there was a greater opportunity to repair his fortunes in a new country that was bound to expand rapidly in population and prosperity, all induced this step. He soon established himself at the bar of New Orleans and came to the head of it. He framed a simple code of legal procedure to reconcile the previous civil law practice to the change of sovereignty from Spain and France to that of the United States and to the use of the trial by jury into their system, as required by the Constitution of the United States. Mr. Jefferson was evidently very distrustful of Livingston because of his defalcation in office under him, and also because he suspected Livingston of complicity with Aaron Burr. Indeed, General Wilkinson, who was the military commander in charge of New Orleans in 1806, charged Livingston with complicity in Burr's conspiracy. When Livingston appeared as counsel in a habeas corpus case to secure the release of Bollman, who had been arrested on a murder warrant, Livingston successfully refuted the charge upon the spot and no proceedings were begun against him. But all these circumstances aroused Jefferson's feelings against Livingston, and doubtless led him to the course which he took in the famous Batture controversy. That controversy it is now my purpose to describe.

Soon after Livingston began practice in Louisiana, he had as his client one John Graveer. Graveer had inherited a tract of land fronting on the Mississippi River just outside of New Orleans. Against this land, and outside of and at the foot of the levee, the river had formed a sand bank, an alluvial deposit called in French a "batture." Graveer at times had dealt with the batture as the owner and fenced in part of it. At the same time, however, the citizens of New Orleans had used it as a common and had drawn sand and dirt from it to build levees. Livingston examined the title, saw the value the land would have as the city grew, and bought part of the batture from Graveer. The city objected to the claim of ownership, and Livingston brought an action in the territorial court against the city of New Orleans to establish his title, which in 1807 resulted in a final decision in his favor. He then

proceeded to improve the batture. He built a canal about 250 feet long right through the batture to the river, and he erected a house on the land. The batture, of course, was beyond the regular levee. His plan was to extend the levee around the batture, as had been done in other cases, and thus bring the batture inside of the levee where it could be better availed of. While he was engaged in this enterprise his workmen were driven off by the people of New Orleans, who denounced the decision of the court. The territorial governor, Claiborne, sought to restrain the rioters, and agreed to submit the matter to Washington. When this was done the question was considered by Jefferson and submitted to the Attorney-General, who rendered an opinion that this batture belonged to the United States, because it had belonged to France and had been conveyed by treaty to the United States. Jefferson thereupon issued a warrant to the marshal directing him to put all intruders off of this St. Mary's Batture, as it was known, using United States military forces if necessary. When Livingston heard of this he applied to the territorial court, who had given him judgment, for an injunction to prevent the action of the marshal, and the injunction was issued. But the marshal, ignoring the injunction, called on a *posse comitatus* to assist him to take possession of the batture. Livingston was thus summarily deprived of any opportunity to continue his improvement or to enjoy his property. Livingston then applied to the President, who would not hear him. He applied to Congress, and successive Congresses, who gave no ear to his complaint. Finally, exhausting all other remedies, he brought a suit against Thomas Jefferson, the individual, in the Circuit Court of the United States of Virginia, after Jefferson had retired from the Presidency, in which he sought to recover heavy damages for trespass on his land. The case came before the Circuit Court, Chief Justice Marshall presiding, and District Judge John Tyler, the father of President Tyler, sitting on the bench with him. Mr. Jefferson's counsel first moved that the plaintiff be compelled to give security of costs. When this had been satisfied a demurrer was filed to the jurisdiction of the court on the ground that trespass upon real estate was an action which could only be tried in a jurisdiction where the land was. This question was heard and evidently considered with care by the Chief Justice and Judge Tyler, and both pronounced opinions. The Chief Justice referred to a decision of Lord Mansfield in which it was held that such a suit could be brought in another jurisdiction, but in spite of the great authority of that name the Chief Justice was with some reluctance apparently obliged to hold that the weight of authority was against the exercise of jurisdiction in Virginia over a trespass of land in Louisiana, and so dismissed the action. Livingston had also brought

suit against the marshal in Louisiana. Though he won the suit in the lower court he lost it on appeal by a divided court, not on the question of title, but on the ground that the marshal was not personally liable for acting on the President's warrant. Many years after he did secure some compensation which was not adequate to the loss he had sustained, and which was the result of compromise. This batture controversy had attracted the attention of the jurists and politicians of the United States, and Mr. Jefferson had been criticised by Chancellor Kent and others for what was regarded as his arbitrary and high-handed course.

In a letter of Marshall to Story referring to some severe denunciation of the Federal judiciary by Jefferson, which was frequent with him, Marshall said: "He cannot forget Marbury and Madison or the batture."

To meet these criticisms, after the decision in the Virginia case, Mr. Jefferson published what he entitled "The Proceedings of the Government of the United States in Maintaining to the Public the Beach of the Mississippi Adjacent to New Orleans Against the Intrusion of Edward Livingston, Prepared for the Use of Counsel by Thomas Jefferson." It was first printed in New York in 1812, and then later republished in Hall's American Law Journal, volume 5, in 1814. Mr. Jefferson's statement began as follows:

"Edward Livingston, of the territory of Orleans, having taken possession of the beach of the river Mississippi adjacent to the city of New Orleans, in defiance of the general right of the nation to the property and use of the beaches and beds of their rivers, it became my duty, as charged with the preservation of the public property, to remove the intrusion, and to maintain the citizens of the United States in their right to a common use of that beach. Instead of viewing this as a public act, and having recourse to those proceedings which are regularly provided for conflicting claims between the public and an individual, he chose to consider it as a private trespass committed on his freehold, by myself personally, and instituted against me, after my retirement from office, an action of trespass, in the circuit court of the United States for the district of Virginia. Being requested by my counsel to furnish them with a statement of the facts of the case, as well as of my own ideas of the questions of right, I proceeded to make such a statement, fully as to facts, but briefly and generally as to the questions of right. In the progress of the work, however, I found myself drawn insensibly into details, and finally concluded to meet the questions generally which the case would present, and to expose the weakness of the plaintiff's pretentions, in addition to the strength of the public right. * * * I passed over the question of jurisdiction, because that was one of ordinary occurrence, and its limitations well ascertained. On this, in event, the case was dismissed; the court being of opinion that they could not decide a question of title to lands not within their district. My wish had rather been for a full investigation of the merits at the bar, that the public might learn, in that way, that their servants had

done nothing but what the laws had authorized and required them to do. Precluded now from this mode of justification, I adopt that of publishing what was meant originally for the private eye of counsel."

Jefferson's statement covers 115 pages. He was answered by Mr. Livingston in 175 pages. Mr. Livingston opens his answer as follows:

"When a public functionary abuses his power by any act which bears on the community, his conduct excites attention, provokes popular resentment, and seldom fails to receive the punishment it merits. Should an individual be chosen for the victim, little sympathy is created for his sufferings, if the interest of all is supposed to be promoted by the ruin of one. The gloss of zeal for the public is therefore always spread over acts of oppression, and the people are sometimes made to consider that as a brilliant exertion of energy in their favor, which, when viewed in its true light, would be found a fatal blow to their rights.

"In no government is this effect so easily produced as in a free republic: party spirit, inseparable from its existence, there aids the illusion, and a popular leader is allowed in many instances impunity, and sometimes rewarded with applause for acts that would make a tyrant tremble on his throne. This evil must exist in a degree; it is founded in the natural course of human passions—but in a wise and enlightened nation it will be restrained—and the consciousness that it must exist will make such a people more watchful to prevent its abuse. These reflections occur to one whose property, without trial or any of the forms of law, has been violently seized by the first magistrate of the Union—who has hitherto vainly solicited an inquiry into his title, who has seen the conduct of his oppressor excused or applauded, and who, in the book he is now about to examine, finds an attempt openly to justify that conduct upon principles as dangerous as the act was illegal and unjust."

I have read both Mr. Jefferson's suggestions and Mr. Livingston's answer, and they are well worth reading. Mr. Jefferson's suggestions are a labored defense of what seems to me to have been a plainly indefensible action. He sought, first, to show that Livingston did not have the title to the land from which he ousted him, but that it was in some third person—an utterly insufficient defense, because Mr. Jefferson's act could not rest for justification on the title of some other person but only on the title of the United States. In asserting the title of the United States he proceeded, with an industry most commendable in a better cause, to quote from the law of France and Spain on the subject of "alluvial increases to river banks," and to show that the title of the batture was in France and passed from France to the United States. The answer of Mr. Livingston was, as that staid old authority, the British Encyclopedia, says, "a crushing one." It left Mr. Jefferson no place to stand upon either in his argument that the batture belonged to the United States or in his claim that under the act of Congress he was

entitled to remove squatters from Government property. The statute plainly had no relation to one who had acquired his title before its passage, or indeed to one who had a title such as Livingston had sustained by the decree of a competent court, even though that decree was not binding upon the United States as a party to it. The trenchant style, the satire and the irony and the invective of Livingston must be read to be appreciated. One can well understand how Chancellor Kent could write to Livingston felicitating him on the complete demonstration of his right and Mr. Jefferson's wrong. I admire Thomas Jefferson as a genius in many ways, as a patriot, a real Democrat, a promoter of education, the founder of the University of Virginia, and a great statesman and politician, but he does not appear at his best in this batture controversy. The special pleading of which he is guilty, the inconsistencies of the positions that he takes, his disingenuous citations, leaving out important additions that would change the effect of the citation as authority are all brought out by Mr. Livingston with clearness and force and with a sincere indignation that manifested itself sometimes in the keenest ridicule and at other times in the most eloquent invective. He closed his answer as follows:

"I now take my leave of Mr. Jefferson. In my answer, I have confined myself to his book. Notwithstanding the strong temptations which assailed me almost in every page, I have strictly kept within the boundaries of a just (and, I think, considering the wanton attack) a mild defense. My future conduct will depend much on that of my adversary. I shall continue to reply to every argument that may be addressed to the public on this subject. Knowing that my cause is good, I do not despair even with humble pretensions, to make its justice appear. For this purpose I have always courted investigation; I should have preferred it in a court of justice, but do not decline it before the public.

"Though some may condemn me only on hearing the name of my opponent, there are many, very many in the nation, who have independence enough to judge for themselves, and the ability to decide with correctness—to such I submit the merits of a controversy which has been rendered interesting as well from the constitutional as the legal questions it involves, and on which Mr. Jefferson has, by his management of it, staked his legal, his political, and almost his moral reputation. That he should not have understood the nature of my title and the different foreign codes on which it depends, is no reproach; that he should have acted at all without this knowledge, must surprise—that he should have acted forcibly, must astonish us, but, that he should persevere in the same pretense of understanding the laws of France better than gentlemen bred to it from their childhood, and who, engaged on the same side of the controversy with himself, have abandoned the ground he has taken, that he should obstinately justify an invasion of private property, in a manner that puts it in the power of a president with impunity to commit acts of oppression at which a king would tremble—that he should do all this and still talk of conscious rectitude, must amaze all those who look

only to the reputation he has enjoyed, and who do not consider the inconsistency of human nature, and the deplorable effects of an inordinate passion for popularity."

So far as I know, Mr. Jefferson made no further answer. Indeed it would have been difficult for him to do so.

After Livingston had prepared his Criminal Code for Louisiana, which gave him deserved and worldwide fame as one of the great lawgivers of modern times, and of which I shall say something later, he sent it to Mr. Jefferson for suggestions. Mr. Jefferson pleaded his great age and his inability to comment upon the Code as it deserved, but he said:

"I have attended to so much of your work as has heretofore been laid before the public, and have looked with some attention also into what you have now sent me. It will certainly arrange your name with the sages of antiquity."

And he closes a long letter with this expression: "Wishing anxiously that your great work may obtain complete success and become an example for the imitation and improvement of other States, I pray you to be assured of my unabated friendship and respect."

Ten years after Jefferson's death Livingston appeared as senior counsel for the city in the case of *New Orleans v. the United States,* argued and decided in the Supreme Court of the United States in 1836 and reported in 10th Peters, 662. The question in the case was unlike that in the Batture case. The city of New Orleans had extended its streets across what was really a batture down to the river. The tract had been gradually enclosed within the extended levee. The issue was whether the United States by transfer from France and Spain had not acquired such a right in this open space as to prevent the city from extending its streets through it. Mr. Webster was associated with Mr. Livingston in representing the city and Benjamin F. Butler, Attorney-General of the United States, represented the Government. In the course of the argument, Mr. Butler referred a number of times to Mr. Livingston's answer to Mr. Jefferson and commended the accuracy and lucidity of his dealing with certain of the issues arising in the case then under argument. When Mr. Livingston came to reply he used this language, which will be found on page 691 of 10th Peters:

"The reference to the pamphlet, from which the argument has been drawn; the flattering terms in which the attorney-general has been pleased to speak of it; and the possibility that, in looking at it, the court may recur to other parts than those immediately relating to the question before them, oblige me to ask their indulgence for a single observation; irrelevant, it is true, to the case, but which I am happy to find an opportunity of making. The pamphlet was

written under circumstances in which the author thought and still thinks, he had suffered grievious wrongs; wrongs which he thought, and still thinks, justified the warmth of language in which some parts of his arguments are couched; but which his respect for the public and private character of his opponent always obliged him to regret that he had been forced to use. He is happy, however, to say, that at a subsequent period, the friendly intercourse with which, prior to that breach, he had been honored, was renewed; that the offended party forgot the injury; and that the other performed the more difficult task (if the maxim of a celebrated French author is true) of forgiving the man upon whom he had inflicted it. The court, I hope, will excuse this personal digression; but I could not avoid using this occasion of making known that I have been spared the lasting regret of reflecting that Jefferson had descended to the grave with a feeling of ill will towards me."

The case was decided in favor of the city of New Orleans and against the United States. In leaving the Batture case I should say that Livingston bought his interest in it originally with the hope that its increase in value would enable him to pay off his debt to the United States growing out of the defalcation as District Attorney of New York. He had confessed judgment for more than $100,000 and had surrendered all his then property to satisfy as much as it would. The batture followed him for many years of his life, and while he lived was a liability and drained his pocket and his strength. He did settle his debt with the United States, however, principal and interest, the interest amounting to more than the principal. When Jackson sent his name to the Senate as Secretary of State, Clay moved a scrutiny of the settlement of Livingston with the Government. He was induced to withdraw the motion on Senator Dallas's assurance of its entirely honorable character, but this did not prevent Clay in subsequent attacks upon Jackson from classing Livingston with notorious defaulters in the Government.

There remains for me to say something of Livingston's relations to Andrew Jackson and of the Code upon which rests his chief right to rank among the really great. In 1814 the English were threatening the territory of the United States along the gulf, and General Jackson, stationed at Mobile, was taking measures to meet them. The English hoped that the French and Spanish creoles, with whom the transfer of Louisiana had not been very popular, might be induced to welcome them and side with them. There were other elements, too, in the community, whose loyalty was uncertain. There were the free persons of color, and there were the slaves. Livingston, who had become the acknowledged leader of the bar of New Orleans, was much concerned, and was active in seeking to arouse all the people to the necessity of measures for defense. Having married a French lady a year after he came to Louisiana, for his second wife, he was popular with the French and was effective

in enlisting their support. Having known Jackson through his association with him in Congress, to which I have already referred, Jackson was glad to avail himself of his services. Jackson, when he came to New Orleans to look the ground over, dined with Livingston the first evening, and soon thereafter appointed him as a volunteer aid. Livingston was very active before and during the Battle of New Orleans. He exposed himself in his duties many times, and his courage and effectiveness called forth the warm approval of Jackson, who gave him his portrait with a most commendatory inscription. The artist was French and gave Jackson a much more Napoleonic cast of countenance than Jackson's other portraits led us to think he had. Livingston continued to serve Jackson until he left New Orleans. He interpreted Jackson's addresses to the French and he lent him his aid in every way by advice and activity.

Livingston was a man of sweet disposition, charming manner and great goodness of heart, but the historians refer to him in a way that indicates that his reputation in Louisiana for probity was not unquestioned. Professor Bassett, in his life of Andrew Jackson, speaks of Livingston as a lawyer of "talent, but not too scrupulous." Gayarre, in his history of Louisiana, refers to him as the first lawyer of New Orleans, but "of supposed rapacity." It is to be presumed that the story of his defalcation had followed him to New Orleans, and it is quite evident that he had encountered much criticism of the people of New Orleans in his effort to possess himself of the batture. Moreover, in the zeal of his advocacy, he had incurred enmities and aroused criticism in which there was some element of justice. All his life long he contracted debts and did not pay them promptly.

For four or five years before the Battle of New Orleans a band of men who called themselves privateers and who preyed upon Spanish vessels had their headquarters on an island in one of the bayous west of the mouth of the Mississippi called "Barrataria." The island was the island of Grande Terre. They first claimed their commission as privateers from the French island of Guadaloupe, and when that was captured by the English they solicited and obtained a commission from a newly established republic of Cartagena, claiming independence from Spain. They carried on a very lucrative business of defrauding the enemies of the United States by smuggling the merchandise plundered from Spanish merchantmen into New Orleans. Their sale of these smuggled goods was open and almost defiant. The people from New Orleans, many of them, connived at it and bought the articles sold, although Claiborne protested and besought the Legislature of the State in vain for aid to suppress this lawlessness. Finally a naval expedition of the United

States Government broke up their settlement at Grande Terre and captured one of the two brothers Lafitte, who were the leaders. Professor Bassett says that Livingston represented them as counsel. Whether this representation was after only some of them had been captured and imprisoned in New Orleans, and he was merely appearing in their defense, or whether it had been maintained earlier pending their illicit business career, of which there is some intimation, does not distinctly appear.

In spite of the successful naval expedition against them, the Barratarians seemed to have returned to Grande Terre whence they had fled, and there under Jean Lafitte resumed operations. While there in 1814 a British war vessel came to Barrataria Bay, and the British Admiral in command in the Gulf offered Lafitte a commission in the English Navy and a large sum of money if he and his men would join their forces. Lafitte sent the communications to a friend in New Orleans to be presented to the authorities. His brother was still in prison. When this became known, Jackson in issuing a proclamation to the people referred with scorn to the fact that the English sought to associate themselves with "pirates, and robbers and hellish banditti." Afterwards, however, he was glad to accept their services in defense of New Orleans, and in his general orders after the battle referred to them as gentlemen and privateers, with great commendation of their courage and valor. After the battle Jackson continued the martial law when the necessity for it had ceased, and issued an order sending the French aliens out of the city. A French naturalized citizen published a letter in which he criticised this order severely. Jackson had him arrested and committed to jail. Hall, who was the United States District Judge, issued a writ of habeas corpus to inquire into the legality of this arrest. Jackson thereupon arrested the United States Judge and confined him. After the news of peace came martial law was suspended, and Judge Hall, at the instance of the District Attorney, cited Jackson for contempt. Jackson attempted to answer, but the court declined to hear him and fined him $1,000, which he paid. It is suggested, though without direct proof, that Livingston was Jackson's adviser in this illegal course, but it is difficult to believe that Livingston, with his accurate knowledge of the law, could have allowed himself to give such advice. It is established, however, that Livingston drafted the answer which Jackson attempted to make to the proceeding instituted against him in Judge Hall's court for contempt. It is noteworthy that the Barratarians were present when he was summoned for contempt, and proposed to throw the judge into the river, but Jackson repressed any such lawlessness, submitted to the jurisdiction of the court, and paid the fine. Subsequently he threatened to secure impeachment proceedings against Judge Hall, but wisely allowed the matter to drop.

Livingston had not succeeded financially. His expenses were heavy. As already said, the time that he had consumed on the Batture controversy and the money expended were a loss, and the debt which he had confessed judgment for to the Government still hung over him. His affection for his wife and children was very tender. He had suffered great grief in the loss first of a daughter and then of a son, neither of whom he was able to see as much as he would. His letters to his son are full of affection, wise advice, and may be compared in some ways with the letters of Lord Chesterfield to his son. The beauty, fluency, terseness, wit and humor of his style make the reading of anything that he wrote most delightful. He was a man evidently of the kindest feeling, anxious to please, anxious to help, a man of high ideals, if one can judge by his expressions, but always belabored by financial burdens, due to his lack of economy and business sense. The lady whom he married for his second wife had herself had a romantic life. She was the daughter of a French noble family which had migrated from France to San Domingo, and had acquired great wealth and constructed a marble palace on the sea and surrounded themselves with hundreds of slaves, a great plantation, and a most luxurious environment. The revolt of the negroes in the island drove the family to New Orleans. Mrs. Livingston was a widow of not more than twenty when Mr. Livingston married her. She had married for the first time at the age of thirteen, had lost three children and her husband, and had returned to her father's house. In her escape from San Domingo with her younger sister by a British warship she saw her grandmother, who was in her party, killed by a bullet of one of the revolting negroes. She was a very beautiful woman, a woman of great culture, wide reading, and a real helpmeet of Livingston in his political career thereafter. He always kept open house in New Orleans, Washington, and Paris, and Mrs. Livingston presided in his home with a grace and charm and distinction that all the statesmen of the day noted.

From his earliest experience in Congress, Livingston had manifested an interest in a reform of the criminal laws, and had moved a resolution for a revision of the criminal laws of the United States while he was still a representative in Congress from New York. He had an interest in the humanizing of the criminal laws and the punishment of criminals as deep and earnest as that of Romilly or Howard. In 1821 the Legislature of Louisiana elected him to revise the entire system of criminal law of the State. He was admirably fitted to do this. He had a profound understanding of jurisprudence and the widest knowledge of the codes of the various legal systems of the world, especially the common law, the Roman law, the civil law, the Spanish Code, and the Code Napoleon. He had a fluency in felicitous, accurate, lucid, terse but com-

prehensive expression that was remarkable and supplied just what was needed in a lawgiver. With the most absorbing industry he devoted his attention to the preparation of what was certainly an *"opus magnum."* He called his work a penal system consisting of four codes, a code defining crimes, a code of criminal procedure, a code of evidence, a code of prison reform, with an appendix of definitions. He wrote in his report to the Legislature a volume of explanation and argument to justify each code which he had prepared. After he had devoted three years to this labor and had prepared the manuscript for the printer he suffered the unusual misfortune of having his entire manuscript, of which he had no copy, destroyed by fire. But so clearly defined in his mind had his work become that in two years more he was able to reproduce both the code and his argument for it and his explanation. No one can read, even in a cursory way, as I have done, the plan of the code, his explanations of it, and the style of the various sections of it, without joining the world of his time in profound admiration for his work. It gave him a reputation abroad as a jurist on the continent certainly equaling that of either Story, Marshall, or Kent. He was made a member of the institutes of many countries, notably that of France, and the great American lawyers all pronounced encomiums upon his work. Bentham, the great English philosopher and law reformer, was most pronounced in his praise of the work.

Livingston was fifty years ahead of his day in the liberality of his enlightened provisions for punishment. In the preamble of the Code he proposed, was this:

"Vengeance is unknown to the law. The only object of punishment is to prevent the commission of offenses; it should be calculated to operate: First, on the delinquent, so as by seclusion to deprive him of the present means, and by habits of industry and temperance, of any future desire to repeat the offense.

"Secondly, on the rest of the community, so as to deter them by the example, from a like contravention of the laws. No punishments greater than are necessary to effect these ends, ought to be inflicted. No acts or omissions should be declared to be offenses, but such as are injurious to the State, to societies permitted by the law, or to individuals.

"But penal laws should not be multiplied without evident necessity; therefore acts, although injurious to individuals or societies, should not be made liable to public prosecution, when they may be sufficiently repressed by private suit."

Again:

"Penal laws should be written in plain language, clearly and unequivocally expressed, that they may neither be misunderstood nor perverted; they should be so concise, as to be remembered with ease; and all technical phrases, or words they contain, should be clearly defined. They should be promulgated in such a manner as to force a knowledge of their provisions upon the people;

to this end they should not only be published, but taught in the schools; and publicly read on stated occasions.

"The law should never command more than it can enforce. Therefore, whenever, from public opinion, or any other cause, a penal law cannot be carried into execution, it should be repealed."

He was very much opposed to capital punishment, and made the punishment hard labor for life. He was very anxious to prevent contamination of criminals by association, and he provided for a separate confinement of prisoners. He divided them into classes. Those under eighteen he sent to one prison of reform and those above eighteen to another. He provided vocational education for the younger class. Modern penologists may not agree with all his ideas, but the liberality of his purpose and the general practical details that he inserted in his Code are quite wonderful in view of the conditions that then prevailed.

It is not surprising, in view of this work, that Sir Henry Main, himself a great expounder of law, spoke of Livingston "as the first legal genius of modern times." The Legislature of Louisiana was not sufficiently progressive and courageous to adopt his code, but many States have borrowed from it. His code of reform and prison discipline was adopted by Guatemala. When a World Congress of Prison Reform was about to be held in Europe a new edition of his works on the criminal law, including this code and one prepared by him while in Congress for the United States, was published with an introduction by Chief Justice Chase, who speaks in highest commendation of Livingston as a world reformer in this field. After the completion of his criminal code he was appointed on a committee to draft a civil code of Louisiana, which the Legislature for the most part adopted in 1825. The most important chapters of this, including all those on contracts, were prepared by Livingston alone.

Livingston was elected to Congress and represented Louisiana from 1823 to 1829. Because of his duties in Congress he did not return to Louisiana to seek a reëlection, and probably because of his absence he was defeated. But the Legislature of Louisiana thereupon elected him to the Senate, and he entered that body with Jackson's inauguration as President and served there. He was offered the mission to France by President Jackson after he had been elected to the Senate, but he felt obliged for financial reasons to decline. As already said, he was one of Jackson's intimate friends, and was perhaps one of the first to propose to him that he should be a candidate for the Presidency. After Van Buren retired from the State Department under Jackson, Livingston was invited to succeed him, and with some hesitation he accepted.

During Livingston's service in Jackson's Cabinet the controversy arose between the Government of the United States and the State of South

Carolina over the enforcement of the customs laws of the United States, and the Legislature of South Carolina passed its nullification ordinances. Livingston, as Secretary of State, wrote the proclamation which Jackson issued to the people of South Carolina and to the people of the United States on the subject of nullification. It is an admirable document, and, as has been truly said, it argues the case against nullification with all the charm, force and style of John Marshall. The vigor of the assertion of National power was so great that some of Jackson's friends were troubled over what they called the "Metaphysics of the Montesque of the Cabinet."

Jackson was very fond of Livingston, but, as the correspondence shows, he did not have the profoundest confidence in his political judgment. He spoke of him during his incumbency as Secretary of State as a polished scholar, an able writer, and a most excellent man, but he said "he knows nothing of mankind, and he lacks Van Buren's judgment." He also referred to the fact that his memory was then somewhat failing him.

In the controversy with the United States Bank and Jackson's determination to remove the deposits, Livingston was not in full sympathy with him and tried to effect a settlement and compromise between the contending parties; but he failed. Jackson then renewed the offer to Livingston which he had made him at the beginning of his administration, that of the post of Minister to France. The post, always honorable and important, was especially so at this time when an issue was pending as to the payment by France of what were known as the French spoliation claims, which France had agreed to pay, but failed to appropriate the money for. Louis Philippe was then King of the French and found difficulty in persuading the French Assembly to make the appropriations. Livingston accepted the offer, left the Cabinet and went to France. In his usual state of pecuniary distress he borrowed $18,000 from the United States Bank. In view of the strained relations between Jackson and the bank, which Livingston sought to relieve by a compromise, the acceptance of such a favor from the bank scandalized his friends.

Livingston's life in France as Minister, of course, was full of delight. He and his wife came into close relationship with Lafayette, who was still living and had been a bosom friend of Livingston's family. As an Associate Member of the French Institute, life in Paris was all he could desire. He succeeded after much effort in securing an appropriation by the French Assembly of the money due under the treaty, but it was accompanied by a condition that President Jackson should withdraw certain strictures that he had made upon the French Government in a

message to Congress. The result was that ultimately Livingston asked for his passports and returned to the United States, where he was received with great warmth. The matter was settled by the mediation of England, the money was paid, and a construction which General Jackson put upon his message was held by the French to be an explanation. Livingston wished to return to France, and intimated his willingness to do so to Jackson, but Jackson appointed Cass. Livingston retired to the estate which had been left him on the Hudson by his sister, Mrs. Montgomery, and there lived out the few years of his life remaining.

This is the career of a great jurist and lawgiver. There are few lives in our history more replete with unusual and romantic incidents, with variety of experience, with great constructive and useful work. His close association with the other great men of the country doubles one's interest in him. His fame was greater abroad than at home. While we reluctantly confess that he had weaknesses, we would forget it in the light of his genius and his heart. A study of his personality charms. His broad sympathies awaken affection. The great code of enduring usefulness which he left to his countrymen and the world commands our grateful admiration.

The President and the Presidency

BY L. AMES BROWN.

I.

It is much too early yet for us to attempt to estimate Mr. Wilson as an historical figure. We are too near him for that and our perception is too subject to the feelings which have been aroused by his policies and the events of the times. Nevertheless, the business of assessment and review may not be altogether unprofitable now that Mr. Wilson's first administration is drawing towards its end; nor can we fail to render service by careful efforts to ascertain the essential features of the very individual part he has played in our affairs. Fortunately, we have standards which are sufficiently clear to make feasible an effort to gauge the importance of those aspects of his work which have affected the character of the office he has held. So our task is by no means hopeless when we essay to find out how the Presidency has been shaped or moulded by Mr. Wilson.

Mr. Wilson throughout his long application to the study of our government has been a severe critic of what he terms the Newtonian theory, which would require a strict adherence to the limitations and checks imposed by the Constitution; he has consistently upheld the view that the spirit of the Constitution is capable of being stretched as the Nation grows, and has regarded our fundamental law as a plastic thing designed to accommodate itself to the changing life of the people. As recently as 1913 Mr. Wilson observed that "the character of the Presidency is passing through a transitional state." "We know what the office is now," he said, "and what use must be made of it; but we do not know what it is going to work out into." He added that "the present position of the Presidency in our actual system, as we use it, is quite abnormal and must lead eventually to something very different." What has Mr. Wilson contributed toward the correction of the abnormalities he so recently observed? How has he facilitated the transitions which he deemed so desirable? The answers lie in the record which all of us have studied with unusual care as it unfolded, because of our tremendous concern in it.

II.

President Wilson's relations with Congress constitute the most interesting chapter of our study, in so far as interest depends on new developments. The President's conception of his prerogatives at the south

end of Pennsylvania Avenue has created a stir more than once among those members of the National Legislature who stand for precedent and the established order. That Mr. Wilson would be exceedingly "progressive" in his relations with Congress was foreshadowed a few weeks before his inauguration March 4, 1913, when Mr. Samuel G. Blythe announced in the *Saturday Evening Post* that the President would personally address joint sessions of the House and Senate instead of transmitting long messages from the White House to be read separately in each assemblage. The National Capital seethed with comment, some of it caustic, as soon as the *Saturday Evening Post* article was read. I remember that the incident occurred soon after it had become known that Mr. Wilson had turned down an invitation to join the fashionable Chevy Chase Club, and that the two incidents coming so close together served to develop the opinion among Washingtonians content with Washington as it then was that they had a Tartar on their hands.

The President verified Mr. Blythe's announcement at the first opportunity. As soon as he was fairly settled in the White House he called a special session of Congress to revise the tariff in accordance with Democratic pledges; and when Congress met he arranged for a joint session in the hall of the House of Representatives to listen to an address from the President. Announcement of the President's intention to address the Congress brought a great crowd to the Capitol. The demand for seats in the House galleries was greater than at any time since the Spanish-American war. With characteristic promptness, President Wilson stepped into his automobile at the White House just eight minutes before 1 o'clock, the hour at which he had asked the two Houses to meet. Coolly and naturally he drove to the Capitol, accompanied by his private secretary, who carried a packet of half sheets of note paper upon which the message had been printed. With every appearance of naturalness, he proceeded to the House side of the Capitol and to the Speaker's office. There he met a committee of the House and Senate, who were very much ill at ease, and permitted himself to be escorted onto the floor.

The President's reading of his message and his announced intention to make it customary provoked a discussion of the general subject of the relationship between the Capitol and the White House. The Capitol began to buzz. Such sticklers for custom as Senator Lodge talked freely. Their interviews related to the precedents against the President appearing in person to deliver his message, and brought out the information that while Washington and Jefferson had resorted to the practice it had gone out with the latter and no later President before Mr. Wilson had revived it. Other Senators pointed out that there had been a purpose

in the minds of the fathers of the Government in establishing the Capitol Building and the President's residence at opposite ends of Washington's broad thoroughfare. I remember well, too, the pleasure which the late Senator Bacon of Georgia, chairman of the Senate Committee on Foreign Relations, seemed to take in calling attention to a passage in the diary of Senator McClay of Pennsylvania who told of the displeasure aroused when General Washington sought to participate in an executive session of the Senate to defend a proposed Indian treaty. The scene was so stormy, according to McClay, that President Washington absented himself from the executive session never to attempt another visit.

These little outbursts did not serve to deter Mr. Wilson from trying out another plan which he had in mind for acquiring greater influence with the Congress. He recalled that there was a President's room just outside the ante-chamber of the Senate. He conceived that this room might be used to greater advantage than had been derived from it by his predecessors, who simply visited it on the last night of each session of Congress to sign bills. The President decided to use the room for conferences on pending legislation with members of both Houses of Congress. He did appear there a few weeks after his first address to the Congress and conferred on several measures then in process of formulation. The stir which followed was even greater than his address had aroused. The precedent broken was one even more highly revered. It was an invasion of the sanctum of the Senate. Most of the Senators openly resented it.

As we study these developments, however, in the light of four years experience we see that their significance was overestimated at the time. Both visits to the Capitol were designed to get the country's ear for the President, and they served him no further. Of course, when he overturned a precedent, properly announcing his intention to do so in advance, and appeared before a joint session of the Congress, he not only assured himself of the undivided attention of each legislator, but he had every thoughtful citizen in the country hanging on his words. It was just what he desired, and all that he got.

The House listened, unawed but interested. It was not so difficult for Mr. Wilson's message to hold their attention as had been the case with other Presidential messages. Mr. Wilson's was the length of a short speech, whereas, dealing trenchantly with broad aspects of policy, each of Mr. Taft's annual messages was a great compendium of detailed statements which were furnished by the heads of Federal departments. These messages used to be written by Cabinet officers and assistant Cabinet officers as well, and I know at least one newspaper correspondent in

Washington who had the honor to write a part of a message delivered by one of our recent Presidents. Of course, these long messages, which were read unintelligibly by the clerk of the House and the secretary of the Senate, were not listened to, and were not even read afterwards by many persons except students and newspaper editors.

Similarly, the President exerted no important new influence at the President's room at the Capitol which he did not have in his study at the White House. It was good advertisement for Woodrow Wilson, who stood in need of being humanized and definitely outlined in the public eye, and it was good advertisement for the measures which he discussed up there. But that was all. His arguments had no potency peculiar to the place, except that the Senators and Congressmen who were invited in felt flattered, and therefore were more accessible to the President's views. As a matter of fact, it can be said of both of these customs established by Mr. Wilson, that neither placed in his hands a surely effective instrumentality for swaying the Congress, nor assured him of a measure of influence greater than his own character established.

Mr. Wilson's most effective means of exerting his influence on Congress has been in White House conferences with the members of the House and Senate committees entrusted with the formulation of the measures which he desired to shape. It is hardly an exaggeration to say that the essentials of every important measure on which the record of the Democratic Congresses of the past four years was made were fixed in President Wilson's office at the White House. This was made apparent during the formulation of the Underwood-Simmons Tariff Law. The President had many conferences with Senator Simmons of North Carolina and Majority Leader Underwood of the House and with other members of the Ways and Means Committee of the House and the Finance Committee of the Senate. He deliberated with them as to the schedules of the law which would best fulfill Democratic pledges, sought their views, and subjected them to the closest scrutiny from every angle. Then he made up his own mind and proceeded to get his decision accepted by the Democratic leaders.

It chanced that no spectacular divergence of opinion arose until the wool and sugar schedules were taken up. The President was convinced that Secretary of State Bryan's views that sugar and wool ought to go upon the free list were correct. Majority Leader Underwood, on the other hand, held that the Democratic campaign pledge not to destroy any industry by its tariff revision should protect the sugar industry of Louisiana from the disasters of free trade, and that the necessities of competition did not demand that all the revenues derived from the tariff on wool should be abandoned. The President refused to recede

in either case, although he did permit himself to be persuaded by Democratic National Committeeman Robert Ewing, of Louisiana, that the Louisianians deserved a period in which to prepare themselves for the removal of all duties on sugar. Mr. Underwood surrendered his convictions to the President's for the sake of the party welfare, and so it may be said that President Wilson had a more important part in determining the character of the tariff law signed by him than had been given any recent President. His effective assertion of his own views contrasted strikingly with Mr. Cleveland's veto and with Mr. Taft's acceptance of Payne-Aldrich Law.

Formulation of the Currency Bill, the Anti-Trust Law, and the other important measures embodied in the record of achievement upon which the Democracy appealed to the country's favor in the recent election produced repetitions of the incidents surrounding the writing of the Tariff Bill. The Washington correspondents found that the "leads" of these stories often came from the White House, and that if the President's will could be ascertained the outcome was fairly certain.

The series of instances in which the President's will was sought to be inflicted upon Congress was climaxed in 1914, in his successful fight for the repeal of the provision of the Panama Canal Act exempting American shipping from the payment of tolls. A House of Representatives controlled by the Democrats had passed this exemption. The Democratic National Convention which nominated Mr. Wilson for the Presidency had adopted a platform committing the Democracy to the exemption. Mr. Wilson decreed from the White House, however, that the party position should be reversed and that the exemption should be repealed. This incident was unprecedented in the history of American politics since the advancement of the party system. The President did not make a full public explanation of his position. The reasons given in his message demanding the repeal were those relating to National honor and the necessity that America should not permit any question to arise about her willingness to abide by treaty obligations. Undoubtedly, Mr. Wilson had the conviction that the Hay-Pauncefote Treaty did obligate the United States to operate the canal without partiality to her own shipping. Another interesting consideration said to have been in his mind at the time touched the controversy then being carried on between the United States and Japan over the Alien Land Law of California. It was said that Great Britain, although Japan's ally, had signified to the United States that she would not support Japan in a war with the United States, provided the tolls exemption were repealed. That may or may not have been idle gossip, but it is a fact that Administration leaders in both Houses of Congress made effective use of hints

that grave complications in our foreign affairs might be avoided by the repeal. Some of the Administration workers did not scruple either at tactics more open to question than this. For instance, it was said that Congressman Kitchin of North Carolina, then slated to succeed Congressman Underwood as majority leader, was threatened by an Administration official with the President's opposition to his selection if he held out against the repeal. I may say in passing that the same report of the incident conveyed the information that Mr. Kitchin made just the defiant reply to this threat which his friends consider it deserved. It is believable, also, that the President's friends made profitable resort to intimations of acceptable distributions of patronage in the tense period when the outcome of the fight in the House hung in the balance.

The President was not adamantine, however, in his policy of guiding Congress. His position was that he should have the largest voice in all party councils. This did not preclude, of course, consultation with the other party leaders and concessions on his own part where differences arose. In most of his experiences with the Congress leaders the President has made his fight before the measure involved was brought out on the floors of Congress for a vote. Except in a very few instances, he has been guided by expediency in his dealings with the Congress leaders. He would try as best he could to get them to accept his views, but if he failed he did not resort to the executive veto.

Mr. Wilson has vetoed few important measures. His two vetoes of the Immigration Bill, which would apply an educational test to immigrants, scarcely count, for both incidents were more or less political claptrap. In each case Congress passed the measure in the expectation that the President would veto it. The members passed it because they wished to go on record as favoring the popular educational test, whereas the President, whose views on immigration had been cited against him in the 1912 campaign, was willing to take his chances politically with the veto.

A time came in the first year of the administration when many of the President's friends who held out for ideals as against political expediency prayed that he might exercise his power of veto. It was when the Congress embodied a provision in the Legislative, Executive and Judicial Appropriation Bill exempting labor unions from antitrust prosecutions under a special appropriation for the enforcement of the Sherman Law. The President failed to veto it. The explanation has been advanced by persons having a confidential relationship with the Administration that the President had given his word to certain House leaders to sign the measure at a time when he did not fully understand its significance, and that later he preferred to incur the possibility of criticism

than go back on his agreement. The explanation which has widest currency, however, and greatest plausibility also, is that the President was willing to make almost any sacrifice in order that no obstruction might be placed in the way of the tariff bill and the currency and anti-trust measures which it then seemed would constitute the body of the Administration's legislative achievements.

The broadening of the President's influence over Congress has had one inevitable result: the importance of the majority leadership of the House has been greatly diminished. The President's laying hold of much of the influence which the majority leader or the Speaker formerly wielded has been facilitated by the fact that Mr. Kitchin, the present majority leader, often found himself compelled by his convictions to oppose the administration. Mr. Kitchin, out of consideration for the party welfare, in practically every one of these instances, consented to vote merely as an individual and not to attempt to organize a fight against the President.

III.

It is as the leader of his party that the President has controlled Congress. His dealings with Congress have had no taint of that privacy which at times has impaired the public confidence in representative government. His councils with the Congress leaders have been partisan councils and no effort has been made to conceal their character. Except in times of crises when the full Committee on Foreign Relations of the Senate was invited to the White House, the men consulted by the President were the Democratic members of committees framing or handling legislation whom the President considered it proper for him to guide.

The President's power in his party increased as the months of his first administration rolled by. It was climaxed very naturally in his dominance of the Democratic National Convention at St. Louis. No other national convention was ever more completely mastered by a single man, for the simple reason that no such body could be more completely mastered. The President selected the temporary chairman and the chairman, and had them submit their speeches to him for review. He selected the men to write the platform and outlined some of the most important ideas to be embodied in it. He sent Secretary of War Baker and Secretary of the Navy Daniels to St. Louis to act as his personal representatives in the convention and upon the platform committee. All important developments at the convention were shaped by the President through his personal representatives. The most important plank of the platform, that on Americanism, was written by one of the President's advisers and telegraphed to St. Louis by the White House after the

convention had assembled. Strong objections were voiced to this plank by Democratic politicians, who did not think it would be wise for them to lay the lash upon the hyphenates. No one dared gainsay the President openly, however, for there were ominous reports from Washington that if the platform committee rejected his Americanism plank he would go to St. Louis and personally call upon the convention to sustain him. Also it was said that the President would repudiate his party platform if it did not accord with his convictions on Americanism. In one other matter the President inflicted his will upon the party organization for their mutual benefit. He decreed that neither the platform nor the speeches of the officers of the convention should make reference to the issue of involving the judiciary in politics, which was then being raised against Mr. Hughes. This overruled the views of important Democratic leaders, as did the President's stand for a suffrage plank.

High as he has placed the prerogative of party leader, the President has evinced a still greater regard for his place as spokesman of the nation in matters which concern the national welfare. This role he has assumed not only in times of international crisis, when the whole country was supposed to hold up the hands of the President, Mr. Roosevelt's admonitions to the contrary notwithstanding, but also in time of domestic crises, such as the recent controversy between the railroads and the operatives' brotherhoods when a calamitous national strike was imminent. A very impressive occasion of this sort came when the President applied himself upon the stump last spring to the task of convincing the nation that need existed for enlarging our instrumentalities of national defense. The President was intent then on getting a bigger army and bigger navy program through Congress. His own party was divided, so he set out to prevail upon the rank and file voters of the country of both parties to compel their representatives in Congress to support the bigger defense movement.

The President's successes in extending his powers as party leader and spokesman of the nation and his influence over Congress have a common explanation. They result, first, from his personal characteristics; the Presidency has ever been a powerful office for a Jefferson, a Jackson, or any other man of high spirit and imperious will. The other cause of his success has been the effective way in which he has mobilized the power of his office against those who stood in his way. Not only has he devised new means of doing this, such as his addresses to Congress and his practice of writing letters for publication; he has had frequent access to the opinion of the nation by a speech-making which amounted to an appeal over the heads of the members of Congress to the source of their representative power. Mr. Wilson's manner of doing this has

been effective in establishing bonds between him and the electorate. It is true, I think, that in many sections of the country the people themselves seem sensible of a more direct relationship with the Presidency than they had thought existed before. Mr. Wilson's practice has been to foster these ties. He has expressed his great interest in the thoughts of the common man as a source of guidance for him in time of crisis, and has sought to increase the number of citizens capable of sitting down and writing really valuable letters to the Chief Executive in time of stress. He has tried to develop an intimacy with "the silent men who watch public affairs without caring too much about the fortunes of parties."

There you have the source of the President's power. Mr. Wilson is a man of great affability and a great power of persuasion, and exerts a considerable influence by personal contact with Congressmen and Senators, although many of these have no real affection for him. Most of the would-be recalcitrants, however, follow his leadership because they fear his influence with their constituencies and they want to profit by this influence. There was a time, not long distant, when resentment against Mr. Wilson's attempted domination of Congress reached a high pitch on both sides of the Capitol. The evidence of this resentment had all vanished before election day, however. It may be that the feeling was smothered, or it may have died out. It is nearer the fact to say that the Congressmen gradually waked up to the fact that Mr. Wilson was stronger than his party, and that their most profitable role would be that of his warm supporters.

IV.

Mr. Wilson once wrote: "What we need is harmonious, consistent party government, instead of a wide dispersion of functions and responsibility; and we can get it only by connecting the President as closely as may be with his party in Congress. The natural connecting link is the Cabinet."

At another time he said: "It may be that the new leadership of the executive, inasmuch as it is likely to last (he was speaking of the prominence into which Mr. Cleveland had been brought by his direction of foreign affairs in his second term), will have a very far-reaching effect upon our whole method of government. It may give the heads of the Executive Departments new influence upon the action of Congress."

In accordance with these ideas Mr. Wilson as a student of our government subscribed to the view that cabinets should be made up largely of party leaders.

Mr. Wilson, in office, however, has chosen to establish direct contact with Congress rather than to utilize the possibilities of the Cabinet as

a "connecting link." He has been his own spokesman on practically every important political occasion. The conviction is clear in my mind that he subordinates partisan influence to administrative ability in his present conception of Cabinet efficiency. Shortly after his reëlection, Mr. Wilson made the significant statement that he was satisfied with his Cabinet, that he regarded it as a team that had been tested. Apparently he was not disheartened by any seeming dearth of meteoric players nor inclined to repeat an effort to utilize the services of a distinguished party leader like Mr. Bryan.

The President has not extended the power of his Cabinet beyond that vested in previous cabinets. He has not encouraged his official advisers to communicate important recommendations directly to Congress as Postmaster General Hitchcock did his recommendation for Government ownership of telephones during the Taft administration. Secretary of War Garrison sought, in 1914, to forge ahead of the Administration in the matter of army policy, but in doing so he opened the way for his withdrawal from the administration. No other Cabinet officer has emulated him on a very important matter of policy.

Cabinet officers have participated in practically all of the White House conferences at which legislative policies were formulated. For instance, Secretary of the Treasury McAdoo was consulted when the Tariff Law and the Currency Law were being framed, and dealt directly with the Committee on Banking and Currency, and Mr. McReynolds, the former Attorney-General, was called in when the antitrust laws were being prepared. These officers were present at the White House meeting, however, merely as advisers, and they exerted no influence in the conferences which they could not command by the intrinsic merit of their arguments.

The President's relations with many of his Cabinet officers have no high personal coloring, for he at times will go for weeks without seeing one or more of them. His attitude in this respect is indicated by the fact that in periods of crises, as well as at times of important developments in connection with the legislative program, the President has suspended Cabinet meetings for weeks at a time.

The President has kept in close touch with important administrative problems which the executive departments have been called upon to handle, and has not scrupled at an effort to influence the Government commissions in the evolution of their important policies. His paramount influence with the departments has been disclosed by his custom of reviewing the plans of the Attorney-General with respect to great antitrust cases. Two instances of the latter which have been widely discussed were the intimation to the Interstate Commerce Commission

of the President's views regarding the noted 5 per cent rate case, and his letter to Secretary of the Treasury McAdoo suggesting that the Federal Reserve Board authorize the establishment of joint agencies of the Federal Reserve Banks in South America. At least one member of the Interstate Commerce Commission is said to have been highly incensed at the President's attitude toward the Commission during the consideration of the 5 per cent rate case, and the Federal Reserve Board gave out a public statement announcing its decision not to carry out the President's recommendation. The President paid his respects to Government commissions in a speech at St. Louis in the spring of 1916, in which he said: "It is very interesting how important men feel after they get on a Federal board. They are thereafter hardly approachable. They are jealous of nothing so much as being spoken to too familiarly by the President, who seems to be regarded as some sort of suspicious political influence."

To those members of the Cabinet who have yielded the obedience which the President regards as necessary to team work, he has returned an almost paternal loyalty. More than a year ago, when the Secretary of Commerce, Mr. Redfield, was under fire, because of his conduct of the Government's investigation of the Eastland disaster at Chicago, the President stood firmly by him. At another time, when the agitation against the Secretary of the Navy, Mr. Daniels, was at its height, the President declared in a private conversation: "By God, he shall stay here as long as I do."

V.

Mr. Wilson's direction of our foreign policies during his administration was not an original exercise of the Presidential prerogatives. He has fully asserted his function in regard to foreign relations, but so did every other President whose tenure of the White House witnessed important international complications. His dominance of the State Department has been interesting, however, because of its singular completeness.

In the early stages of our difficulties with Germany, the saying had currency in Washington that Mr. Bryan's only contribution to the important notes he signed were his signature and the address, "Gerard, Berlin." It has been evident since Mr. Bryan's withdrawal and the appointment of Robert Lansing to the Premiership of the Cabinet that the President considered it more important that the State Department should furnish him with information as to actual developments in foreign affairs and as to precedents and proper diplomatic phraseology than that it should advise him upon fundamentals of policy. The say-

ing that Mr. Wilson has been his own Secretary of State has more than a grain of truth in it, although this statement would be unfair if it conveyed any reflection upon the ability or splendid purposes of Mr. Lansing.

The President has never consulted Congress on an important measure of foreign relations. He has addressed the Congress repeatedly on the Mexican situation and twice on our relations with Germany. But these addresses were largely statements of fact and reports as to what the President had done, or had decided to do. They were not bids for advice. Also he has called the Senate Committee on Foreign Relations and the leaders of the House Committee on Foreign Affairs to the White House, but for the same purpose. In nearly every case his mind already had been made up and the Senators listened to the President.

The guidance to which the President has submitted in directing our foreign relations has been that of public opinion. He does not hold with those European conservatives referred to by Mr. G. Lowes Dickinson, who consider diplomacy a finished science closed to the influences of democracy. On the other hand, he quite clearly has attempted to accord his policy toward Germany with the purposes of the body of the American people. Mr. Wilson has proclaimed his belief in the existence of the composite mind of the Nation. He has defined the obligation of public servants to grasp unexpressed thoughts and unuttered aspirations in the formulation of their policies. "The voice of America" is a phrase frequently upon his lips. And the same disposition to attune his foreign policy to the composite thought of his constituency is reflected in certain speeches in which he has asserted that it is the obligation of the new statesmanship to give a new warmth and human coloring to the hitherto cold and colorless relationships between one nation and another.

The influence I am trying to indicate is somewhat difficult to detect in all of Mr. Wilson's foreign policies. One might easily be content with the acceptance of the statement that he was guided throughout the Lusitania correspondence by the knowledge that the bulk of the American people desired to remain at peace. That disposition was fairly easy of ascertainment to a man with ordinary facilities for determining popular feeling. On the other hand, it is much more difficult to demonstrate that Mr. Wilson has had the public abreast of him at every stage of our relations with Mexico. With no desire to revive any of the partisan feeling of the recent campaign, I do feel justified in saying that there have been times when there seemed at least a close division among the American people as to whether it would not be better for the United States to send an army into Northern Mexico to insure settled conditions there in the future. The conclusion might be drawn from this that

in respect to Mexico Mr. Wilson had attached more importance to his own convictions than to public opinion. It might also be concluded that he was depending upon cloudy media for observations as to the state of public opinion. The better conclusion, however, and the one in which I have complete confidence, is that the President considers it equally his duty in respect of foreign affairs to be guided by the steady currents of national thought as he conceives it and to be impervious to unsteady popular clamor. Thus he was responsive to the demand for the preservation of peace with Germany, while he could not be influenced by the widespread desire to have our army inflict peace on Mexico.

VI.

From the foregoing resumé of what Mr. Wilson has done, we may proceed with justifiable confidence to an appraisal of his contribution to the science of government. He has expedited the evolution of the Presidency as a party leadership demanding statesmanlike qualities. That is his outstanding contribution. He has made of the Presidency the unifying and harmonizing factor in a not too well organized government. That is the thing he has done which makes the Presidency a somewhat different kind of office for his successors from what it was to those who preceded him. He has gathered into the hands of the Chief Executive more of the actual prerogatives of party leadership than formerly were conceded to him. His administration has had nothing of that "separateness" from Congress for which he criticised the first Cleveland administration, and which would have characterized Mr. Hughes's administration if we are to accept at face value his statement that "The President is primarily an executive; it is his supreme duty to attend to the business of the Nation, to safeguard its interest, to anticipate its needs, to enforce its laws." "My conception of the Presidency," said Mr. Hughes, "differs absolutely from Mr. Wilson's. I look upon the President as the administrative head of the Government. He looks upon the President as primarily the political leader and the lawmaker of the Nation." The President has been and will be held responsible for every large matter in Washington. The country will look to his office more and more to accept this responsibility. Mr. Wilson has seen to it that the office should possess the power which goes with the responsibility.

In thus shaping the Presidency, Mr. Wilson has followed up the line of development discernible in our political history. Changes have been made in our government, some by constitutional amendments, and others, such as that in the method of electing the President, without altering the Constitution. Further changes are predictable from the

character of what already has been done. Mr. Wilson has said that the President "must be Prime Minister, as much concerned with the guidance of legislation as with the just and orderly execution of law," and "the spokesman of the Nation in everything, even the momentous and most delicate dealings of the Government with foreign nations." Sooner or later he believes it inevitable that the President will "be made answerable to opinion in a somewhat more informal and intimate fashion." It is clearly evident that this change will be worked out in true American fashion and recognized in the Constitution only when the popular conception of the Presidency has advanced further along the lines laid down by Mr. Wilson. The powers of the party leadership will be still further enlarged so that the Presidency will be more than ever the integrating factor in what Mr. Wilson earlier referred to as the "disintegrated structure" of our Government. Thus the Nation will avoid "the pinch of disadvantage" which, according to Mr. Wilson, "must sooner or later result from the singular division of our Government into groups of public servants looking askance at one another." Thus it will, to quote Mr. Wilson again, "substitute statesmanship for government by mass-meeting."

The logic of our conclusion as to this phase of Mr. Wilson's work, it seems to me, has no relation to our estimate of the foreign and domestic policies for which he has been praised and criticised. Divergencies of view as to the practicability and honorable character of his foreign and domestic policies should not deter us, as they will not the historian, from an appreciation of the wholesome development he has accelerated in our governmental system. Progress in the direction in which his administration has pointed the Government will bring democracy at last into the very sight of its hope: efficient representation.

A New Epoch

BY WILLIAM THOMAS LAPRADE.

It is not given to many generations to witness the passing of an epoch. But every well-informed adult now alive knows that the past several years have brought transformations almost too vast to be comprehended. This year seems scarcely akin to 1913, and the next few years seem to offer insuperable difficulties to any attempt to fathom them. If you wish to get an impression of the changes now in process try to recall your point of view three years ago. Better still, examine the files of the daily and weekly press of that time. You will find yourself in another world with strange questions, a vast ignorance, and petty quarrels. You will find it hard to convince yourself that the same persons who are living in these heroic years expressed themselves in that paltry language.

I know of only one other time in modern history that, in this respect, can be compared with our own, namely, the early years of the French Revolution. The newspapers, the contemporary memoirs, the pamphlets, and the private letters of that time bear testimony that those who produced them were conscious that their day, like our own, marked the end of one epoch and the beginning of another. They were not clear as to the character of the past or as to what the future was likely to bring forth, but they were convinced that at any rate the future would be different.

Since this is a time of transition and heart-searching it would seem to be appropriate to recall some of the characteristics of the epoch introduced by the French Revolution which now seems to be passing, and to see whether it is possible to look with any degree of plausibility into the future.

We shall probably agree that the nineteenth century as an epoch in history got fairly under way in 1814 on the fall of Napoleon, and culminated in the outbreak of the present war. If there were time to delve further into the past we might observe that by a curious coincidence there were also precisely an hundred years between the Congresses of Utrecht and Vienna. But we shall only note briefly the chief characteristics of the century introduced by the latter congress.

The first characteristic which attracts our attention is connoted by a word now never long absent from the lips of a student of history. The nineteenth century was preëminently the time of the growth of nations with a unity of feeling and institutions. There is no need to call the roll of the countries that passed through that experience. It would be

easier to name those that did not. But if the nineteenth century was a time when the nations grew up from dynastic infancy to self-conscious political life, it was also a time when the doctrine of individual liberty as a political ideal received widespread acceptance. In some of the countries the struggle for liberty and for national unity went hand in hand. Cavour, for example, cherished a desire to introduce into his own beloved land both of these ideals, which had been inspired in him while he resided in the country that was the mother of nations and the fountain of liberty. And if liberty was finally defeated in the development of the German nation it was not because it lacked champions, as witness the migration of German liberals to this country after their defeat at home.

Trained in the old school, as most of us are, we have no difficulty in reconciling these two ideals with all that seems desirable in social life. It is when we meet the third characteristic in the development of the nineteenth century that our troubles begin. Excuse it as we may, the fact is that this century of exuberant national life and zealous pursuit of liberty was likewise the century in which the strong men of the nations were most successful in exploiting the weak and in accumulating and managing in their own interest the fruits of the labor of the less fortunate. This fact is no less evident if we admit that under the régime of these strong men has occurred more rapid advancement toward that vague goal we call civilization than in any other interval of comparable length in human history. At any rate, in no other century were the strong men able to work so effectively or to accomplish so much. Moreover, in no other century were the weak, despite their individual liberty, made more utterly dependent on the strong.

Very little reflection will serve to make it clear that a community which is striving toward individual liberty as an ideal is laboring to make it easier for the strong to exploit the weaker. It was the mistress of the seas, a nation already head and shoulders above her rivals in industry and commerce, that threw down the gauntlet in the nineteenth century and challenged the world to adopt a policy of liberty in trade. And the battle for individual liberty in the past several centuries was largely fought at the instigation of the strong men of the growing nations, who were anxious to throw off the fetters imposed on their activities by the outworn forms and petty tyrannies of a past age.

The nation itself was largely a by-product of this struggle of the strong men for an opportunity to exert their strength. In one sense England got rid of the Stuarts and France the Bourbons in order to give the strong men control. In Germany the ruling house profited by the example of other families that had lost power or office, or both,

formed a partnership with the strong men of the nation, and coöperated with them in the task of exploiting the weak. Thus that which the strong men of the liberty-loving nations did as a right those of Germany did as a privilege. The result was similar in many respects, the chief difference being that Germany never became a home of liberty.

A little study of the nation makes it clear that, with the average level of education and general intelligence what it was in the nineteenth century, it would have been difficult to invent a contrivance better adapted to serve the purposes of the strong men. The inhabitants were merged into a fictitious personality, were provided with proper shibboleths, and were taught to recognize a code of national honor similar in many respects to the code prevalent among gentlemen when dueling was in fashion. Their former loyalty to their clan or to their leader was transformed into an enthusiasm for this complex unity of which they somehow felt themselves constituent parts, but which tended to blind them to merits of the question. If they reached a point where it seemed to be theirs to reason why they but repeated parrot-like arguments made ready for the occasion by the strong men or the employees of the strong men who constituted the brains of the fictitious person. If they did now and then decide questions by their votes they were questions made ready by some group of these same strong men who also supplied the reasons for voting one way or another. By this arrangement a member of the multitude came to feel it a greater obligation than before to spend himself in support of the honor of this nation of which he felt that he was a member. It is not remarkable, therefore, that Napoleon, with a nation at his call, could accomplish greater things than Louis XIV., who after all was but a dynastic monarch. Nor is it remarkable that the nations now at war are striving in a combat which beggars description and which makes all former wars insignificant by contrast.

My chief reason for making these observations is because they seem to me to betoken something of the future. If I have read history aright, the ideal of liberty and the conception of a nation which gradually emerged in the seventeenth and eighteenth centuries, and which, in the nineteenth, gave the strong men an opportunity never before afforded to them, is now in a process of transition to another stage in the evolution of human society. As the nineteenth century may be regarded as the century of nationalism and liberty, so, it now seems likely, the twentieth may come to be known as the epoch of democracy and justice. If this be the true view, the comparatively small groups of strong men who, under a régime of liberty, were able to build nations and to shape national policies to their own advantage will yield to a social system dominated by the mass of the people largely in their own interest.

It is tolerably clear that such a change would tend to curtail the liberty of individuals. Nothing is more familiar to thoughtful persons than the practical antithesis between democracy and liberty. But the terms have been so frequently married in the loose phraseology of our public discussions that the less careful think of them as almost complementary, and a word of emphasis on the distinction is not out of place. The point is that the more completely the mass of the people come into a realization of their real potency in producing the wealth and fighting the battles of the world the less inclined they are to abide by the old doctrine of *laissez faire*. Of course, even those eighteenth and nineteenth century enthusiasts who thought the least governed people to be the best governed were far from believing in absolute liberty, but they were convinced that it would be for the advantage of society to give a wide latitude to individual activity. The democrats, on the other hand, know that if liberty is in vogue to this extent, particularly in the economic world, the strong men will increase their strength, too frequently at the expense of the weak. And so it is a natural tendency of the more numerous weak, when they awake to the situation, to organize themselves for the purpose of bidding defiance to the strong, even though it is necessary to give up somewhat of their liberty in so doing.

This clash of democracy and liberty is apparent in the opposition to child-labor legislation, compulsory school laws, factory legislation, and the like. Whether one agrees with the supporters of these measures or not, they are manifestly, at bottom, attempts of the mass of the people, the democracy, to place restrictions on the liberty of strong men to profit at the expense of the weak.

The ideal which the democracy must necessarily offer as a standard by which to measure proposals of this sort is justice. Not perhaps the justice of the schools of law with its element of precedent and preconceived notions based on former practices, but a justice which aims to comply with the demands of a humanitarian generation that everybody be given a square deal. And when this demand for a greater opportunity to enjoy the products of their labor shall come from the mass of the people, conscious of their power, whether the demand be for higher wages, shorter hours, or other better standards of living, the demand will ultimately prevail as far as it is practically possible. In consequence, the dominancy of the strong men which we have witnessed under the régime of liberty will tend to give way to a democratic rule, in which the first great task will be to curb the strong and make them helpers in the task of raising the general standards of living. It is not necessary to be blind to the difficulties of this undertaking or even to believe that

it will ultimately succeed to see that in the nature of things it must be attempted.

Admitting these premises, however, is it probable that the present war will introduce an era of democracy? Surely a time when national feeling has reached the height of its fervor, when vaster multitudes than ever before are making supreme sacrifices in the service of their nations for the sake of causes formulated by strong men, in many cases in the interest of strong men, is scarcely a feasible time to muzzle leaders who have given such amazing evidences of their power. Perhaps not, and yet when a political pendulum has swung far in one direction there is the greater reason to expect a swing backward.

But there are other more tangible reasons for concluding that this war may operate to place limitations on the liberty of both individuals and nations, and likewise that it may hasten the coming of the time when democracy and justice will be more prevalent. There were three potent factors which, among others, in the past tended to preserve the existing order without radical change. In the first place, there was the innate conservatism of the mass of the people. The two classes of people most difficult to convince that change is necessary are those who dominate the existing order and profit by it, and those with untrained minds, who go to make up the mass of those who are thus dominated. From the point of view of this latter class, the existing system, providing for a large measure of liberty in amassing and controlling wealth, worked; they could not be sure that another would, and naturally those who were profiting by the existing order did not try to convince them. Accordingly, they learned to endure hardships, preferring to bear the ills they had rather than experiment with others of which they had no certain knowledge.

Again, in spite of many hardships suffered by a considerable portion of the population under the régime of liberty, for a majority of people life has been tolerable. Laborers have received a sufficient share of the products of their toil to enable them to exist in some comfort. Consequently they have not had an irresistible impulse, born of necessitous conditions, to induce them to seek a change. There have been, it is true, signs of what is coming, but with no more pinch than past conditions caused we might very well have gone on for a considerable time using that useful device of the régime of liberty, collective bargaining.

Finally, as a result of their traditional habit of submitting to the guidance of stronger men and their lack of inclination for strife or change, the mass of the people have not been made fully aware of their power when acting collectively. When they have made intermittent at-

tempts to remedy one condition or another they have been outmanœuvered by the stronger men and again brought into subjection, with the result that they came to distrust the existence of their strength itself.

Now, the remarkable thing is that this war, which exemplifies as no other has the docility of the mass of the people in the service of strong leaders, is tending rapidly to eradicate the very causes which in the past prevented the democracy from coming into power and shaping public policies in its own interest. Think, for example, of the blows struck with bewildering rapidity and astonishing success at our time-honored notions of individual rights in private property. We were wont formerly to tell the advocates of community control of the instruments of production and distribution that these things could be more efficiently managed under a system of private ownership. In fact, our traditional feeling was that the strong men who had somehow amassed wealth of this sort had an inherent right to manage it pretty much as they pleased. Just recently, one of our reviews, discussing the demands of certain laborers for a greater share of the incomes of our most important instruments of distribution, referred to "the downtrodden investors in railroad securities." But it is doubtful whether the mass of the people in the warring countries will give much weight to these arguments when they return to their homes and undertake to rebuild that which they are now seeking to destroy. Who will have the assurance to tell them that private ownership and management of great industries is more efficient, and that it is dangerous to meddle with private property in these forms of wealth in the face of the short shift given by the governments to the owners of these properties in the time of the nation's need? There can never again exist, in England for example, the same timidity and fear of government interference in business that existed before the war. The captains of industry, if they hold their positions, must find arguments different from those which they formerly used.

Not only will this traditional conservatism be shattered by the evidence of inescapable facts, the men who are now in the trenches, in munition factories, in mines, and in other forms of vital industrial employment, will also come out of the war with the knowledge that they were the dependence of their governments in the time of need, and that they were repeatedly able to compel the strong men in charge of the affairs of the nation to stand and deliver when they demanded higher wages, pensions for their families, and the like. Will men thus made aware of their power return home when the struggle is over and supinely take up where they left off the task of piling up wealth for the nation,

for the strong men to manage, content if they are given a sufficient share to provide sustenance for themselves and their families?

A third factor makes it unlikely that the transition from war to peace can be accomplished in this easy fashion by a settlement that has any of the elements of permanence. The vast increase in the expenditures and additions to the indebtedness of the nations at war and of other nations affected by the war have operated to raise the level of prices of almost all commodities. When peace is made there will of course be a lessening of the demand for some materials used in warfare, but the task of reconstructing that which is now undergoing destruction and of replenishing the storehouses now being emptied as well as of bearing the burdens of taxation necessary to meet the interest on obligations now being incurred and then necessary, will tend almost inevitably to make money still cheaper and to raise the general level of prices even higher. In consequence, laborers will be able to purchase less for their wages and will demand an increase. It is improbable that the employers of labor, even though they are obliged by the governments to keep peace by raising wages while the war is in progress, will submit to further demands at its end without a struggle. In this way an occasion may arise giving the democracy a chance for exerting its strength while it is keenly conscious of possessing it. Moreover, this occasion would arise before the radical methods of the governments in using private property for public purposes had been forgotten. It is from a struggle of this kind, which it seems difficult finally to avoid, that the twentieth century will probably take its tone. That being so, there is every reason to assume that the final compromise reached will be much more concerned with the welfare of men and women in general than with the liberty of the strong to get and retain.

The same reasoning makes it apparent that the nation will be a less influential factor in the history of the twentieth century than it has been in the nineteenth. It is not necessary to look far beneath the surface to see that the interests and ideals which are clashing in the titanic struggle now going on are largely the interests and ideals of the groups of strong men who have builded and dominated the nations. These strong men have taught the members of the democracy how to be loyal to a nation without forgetting their obligations to the family or the local community. It is only a step from national feeling to consciousness of a common interest with all humankind. It is true that the war came in spite of the dream of social democrats of an international democratic alliance which should force European governments to keep the peace. The national feeling so long instilled in the people of the European nations was strong enough to overshadow the untried theories of

enthusiasts, and on the outbreak of the war the democrats went willingly to fill up the ranks of the national armies, giving the nation a new lease of life.

But after all, from the point of view of the candid moralist, there is no good reason why men should support the nation of which they are inhabitants unless that nation is seeking to do justice and to accomplish the right. And it is doubtful whether German agricultural and industrial laborers, if left to themselves, would have many serious grievances against the French and British laborers whom they are now seeking to slay in such large numbers. It is indeed questionable whether the soldiers in the ranks of the armies of any of the warring nations, if uninfluenced by the current doctrines of the ruling classes in their several countries, would be interested in fighting to crush one nation or to increase the influence and prestige of another.

Of course, however, they are influenced by the doctrines of the strong men, who have, perhaps unwittingly, brought on this war. And it is not unlikely that these doctrines will play a part in the determination of the terms of peace. It would be surprising if they did not. But that probability is not an argument against the interpretation of the future here set forth. You will recall that the stupid statesmen at Vienna a century ago in a like manner ignored the nation and sought to compass the destruction of liberalism in their vain attempt to create a stable régime and make a permanent peace.

The Sovereign State of North Carolina, 1787-1789

BY W. W. PIERSON, JR.

The people of the United States have never been very much interested in systematic political theory, except in an academic sort of way, and it has been seriously questioned if there is an American political theory.[1] This fact is really remarkable to the student who realizes that every important period of American history has been dominated by political theory. This is not a paradox, for, while the Americans have not developed philosophical systems of politics, the theories have generally taken form in association with political problems on which the people were divided between approval and condemnation. The outstanding examples of this truth may be found in the party struggles over independence, slavery, secession, and imperialism. Contempt has often been expressed of mere theory, yet of the multiplicity of causes which eventually culminated in the War of Secession, the most insistently obvious one was the profound difference in the political philosophy developed and endorsed by the sections. In that crisis of 1861 the supreme question was: Is the American State a sovereign state? If one reflects upon the momentous results in history and upon the great changes in political thought and life effected by the so-called Civil War, the conclusion is practically inescapable that the question just mentioned has been the most important one in American history. On July 4, 1861, Mr. Lincoln, in one of his most important state papers—his first message to Congress—undertook to answer it. After defining a sovereignty as being a "political community without a political superior," he said:

> Tested by this [definition] no one of our States except Texas ever was a sovereignty. And even Texas gave up the character on coming into the Union . . . The States have their *status* in the Union, and they have no other legal *status*. . . . The Union is older than any of the States, and, in fact, it created them as States. Originally some dependent colonies made the Union, and in turn the Union threw off their old dependence for them, and made them States, such as they are. Not one of them ever had a State constitution independent of the Union.[2]

These opinions are quoted with no purpose of making the effort to prove a great man wrong. It is possible, indeed, that he may have been right, for there were those at the Federal Convention of 1787, which framed the Constitution, who expressed practically the same ideas. The statement has been sharply criticized, however, for historical inaccuracy,

[1]Merriam, *American Political Theories*, vii.
[2]McPherson, *History of the Rebellion*, I, 127.

and possibly the opinion would have been pronounced erroneous by the people had it been submitted to a vote in 1861.[3] It has been thought that not 10 per cent would have concurred in it. The short work required by Mr. Lincoln to dispose of the theory of State sovereignty, which had very obvious possibilities of serious embarrassment for him, really is, in my opinion, to be associated with him as a politician who faced a crisis with consistent ideas and theories, rather than a historian who oftentimes gives a meticulous regard to nice distinctions, "pernicious abstractions," and to the merits of causes which sometimes fail of their purpose.

Has there ever been a sovereign State in the American Union? The title of this paper indicates that the writer of it would answer the question affirmatively. The thesis is based on the following facts: The States of North Carolina and Rhode Island in effect rejected the Constitution which was submitted to them for ratification by the Federal Convention. They remained out of the new Union, which was established through the ratifying acts of eleven States, and thus they resumed, or, if you will, assumed, an independent *legal* and *political* status. The purpose of this paper—the first of a series which will deal with North Carolina and Rhode Island—therefore, is to consider in an introductory way certain aspects of the history of North Carolina in 1787-1789 and of the relations of North Carolina and the United States which are pertinent to this thesis.

North Carolina of the Revolution and of the Confederation has been called the most democratic and the most American State of the Union. Despite restrictions of the ballot to the taxpayers and property qualifications for the important offices, the claim, in my opinion, seems well justified.[4] The most striking characteristic of the North Carolina of that period, however, was, if I am not in error, the particularism of its people. This took at least two forms. There was a joy in being a North Carolinian, possibly in part due to the citizen's happy escape from being of South Carolina on the one hand and of Virginia on the other. This intense love of the State was accompanied, secondly, by distrust and jealousy of any effort to restrict the State's complete independence. So careful were the patriots that the rights of the State might not be injuriously affected that the Articles of Confederation were not at first ratified, because certain articles were regarded as "containing matters highly important and interesting to the future of this State, and involving what may very materially effect the internal interests and sovereign

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[3]Dunning, Essays, 12.

[4]Beard, *Economic Interpretation of the Constitution*, 64-72, 239-252; McKinley, *Suffrage in the Thirteen English Colonies in America;* Connor, R. D. W., *Governor Samuel Johnston of North Carolina* in *North Carolina Booklet*, April, 1912, 262. Consult also *Ibid., Cornelius Harnett;* see also speech of President Butler at the inauguration of President Edwin A. Alderman, Extra Number of the *University Record*, 1897, 17-21.

independence thereof, and . . . ought not to be ratified until there shall be full time and leisure for deliberately considering the same."[5] Another very interesting demonstration of the independent spirit of North Carolina occurred when Congress in 1779 censured Dr. Thomas Burke for having refused to attend a session when his presence was necessary for the formation of a quorum. He defied Congress and held himself responsible only to the State of North Carolina, saying that "until the laws of the State I represent shall expressly declare the contrary, I shall hold myself accountable to that State and to no other power on earth."[6] And the State legislature upheld him! Such was the controlling sentiment of the North Carolina which was a member of the Confederation, and such was the controlling sentiment—at least of one party—when the State was called upon to consider ratification of the Constitution. Despite this attitude toward politics, National and State, there was a conservative party, inclined strongly toward the Union and to the establishment of an energetic and powerful central government, and disposed to look upon democracy with disfavor. This party was formed of lawyers and of the highly educated and refined people of the State, and regarded the radicals as the rabble led by demagogues or as extremists misled by abstractions. The leader of the one was the able Samuel Johnston, and that of the radical democracy was Willie Jones.[7] The State was divided; the leaders of greatest ability were on the side of the conservatives, while the majority of the people were democratic and radical.

Any investigation or inquiry into the subject of State sovereignty in 1787 would lead us to the Federal Convention and the work of the framers of the Constitution to ascertain what was then thought about sovereignty and what was then done that affected it. It is with this purpose that we are now immediately concerned.

The selection of the delegates to the Federal Convention which was to frame the Constitution occurred at a time when there was a decided reaction from the democratic radicalism of the days when the Declaration of Independence was written. The men at Philadelphia were the most conservative of the conservatives, who felt that the ills suffered during the "critical period" to be due in part to an "excess of democracy." Decentralized government, paper money, popular movements like the Shay's Rebellion, they regarded with a disfavor so extreme at times as to amount to a passion. The absence of such men as Jefferson, Samuel Adams, Patrick Henry, and Willie Jones allowed the debates

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[5]State Records, XII, v.
[6]State Records, XIII, 87-89.
[7]For Johnston, see Connor, R. D. W., *Governor Samuel Johnston of North Carolina;* for Jones, see Long, *Willie Jones, a brief sketch of his life,* the *University Magazine* (N. C.), New Series, 1908-09, 22-37. Nash, *The North Carolina Constitution of 1776 and its Makers, James Sprunt Historical Publications,* Vol. 11, 9-23.

there to assume a particularly undemocratic tone. From what is known of the men who were elected or appointed members of the Federal Convention and from the records of that convention, it seems safe to conclude that their purposes were to evolve a constitution which would provide for a strong government, which would give ample protection to property, which would establish public credit, which would curb popular tendencies and enable men of respectability, refinement, education, and wealth to rule, and yet a constitution which would secure liberty. In these purposes the delegates of North Carolina joined the majority.

Respecting the nature of the new union that was to be established, it has been generally thought that the convention was divided into the large State men and the small State men, the one favoring the plan proposed by the Governor of Virginia, Edmund Randolph, providing for a strong central government and a congress chosen on a basis of population or land values, the latter favoring the plan proposed by the Attorney-General of New Jersey, Patterson, providing for a central government which would have the power to lay taxes and enforce obedience, and for a national judiciary, but demanding a congress in which the States should have equal representation. Such a classification, however, does not reveal accurately the real diversity of views on this matter of the relationship of the States to the proposed union and general government. During the debates on this subject at least five positions were assumed by various groups. In the first place there were those who would destroy the States altogether and establish a *"consolidation."* Such views were expressed at one time or another by Read of Delaware, Butler of South Carolina, Wilson of Pennsylvania, G. Morris of Pennsylvania, Hamilton of New York, King of Massachusetts, Madison of Virginia, and Randoph of Virginia. The last two are placed in this group because the operation of the Virginia plan would have had immediately or ultimately a destructive effect upon the States. In the second place, there were those who would allow the States to continue to exist because of the advantages they offered in local government, but would deprive them of most of their powers. Probably most of the members of the convention favored this policy, and many of the advocates of the first idea later came to endorse it, such as Wilson. They later called themselves Federalists; but, certainly, the name "Federalist" in political science does not denominate their theories, for they were not advocates, but opponents, of equality among the States and of the establishment of a federal system of government. Many of this group may be considered as forming another party: those who denied any present or past sovereignty to the States, but who occupied exactly the position of Mr. Lincoln. His position, as before affirmed, has often been called unhis-

torical, but, whether he knew it or not—and apparently he did not know it—there was ample foundation for his opinion if one takes the recorded expressions of certain members of the convention as authoritative precedent. Rufus King, during this important debate, said that the terms "States," "sovereignty," "federal," and "national" had often been used inaccurately.

> The States were not "sovereigns" in the sense contended for by some. They did not possess the peculiar features of sovereignty. They could not make war, nor peace, nor alliances, nor treaties. Considering them as beings, they were dumb, for they could not speak to any foreign sovereign whatever. They were deaf, for they could not hear any propositions from such sovereign. They had not even the organs or faculties of defense or offense, for they could not of themselves raise troops, or equip vessels, for war. On the other side, if the Union of the States comprises the idea of a confederation, it comprises that also of consolidation. A Union of the States is a union of the men composing them, from whence a national character results to the whole.[8]

What comfort would this not have given to Daniel Webster in his great debate with Calhoun in 1833! The three parties heretofore mentioned seemed so deeply convinced that the Confederation was irremediably inefficient, and that the United States under the Articles were drifting surely toward anarchy and ruin, that their ideas went naturally perhaps to the opposite view of the necessity for a consolidation. And the members of these groups dominated the convention and wrote the Constitution with those few but important modifications which the State rights and small State men forced upon them, which modifications of their program they accepted with bad grace. The advocate of State sovereignty will find little comfort in reading the records and journals of this body. These advocates were present, but their ideas were not the prevalent ones, and their statement of them oftentimes timorous and apologetic. Of these there were two groups: first, those who would maintain the States with all the powers possessed under the Confederation and who denied that the convention had the authority to change their status; and, secondly, those who desired to maintain the equality of the States, but who at the same time saw a need of a stronger central government and were ready to sacrifice many of the powers hitherto exercised by them. Among these were Paterson, Lansing, Yates, Martin, Mason, Sherman, Johnson, and Dickinson—names little known to subsequent history. In case, however, one feels any loyalty to the Federal system of government, that one should at the same time feel deeply grateful to those men who struggled so consistently for the continuance of the States. It is not too much to say that the present system of gov-

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*Farrand, *The Records of the Federal Convention*, Vol. I, 123; Gouverneur Morris said, "This country must be united. If persuasion does not unite it, the sword will." *Ibid.*, I, 530.

ernment is due to their persistent efforts; more so, in my opinion, than to the alleged father of the Constitution, James Madison.[9] It is of considerable significance, I think, that of the names mentioned only two, Mason and Luther Martin, were from the South. It would not be amiss for the South to take stock of the political theories of its representatives at the convention in order to take cognizance of this distinctly nationalistic tone. And what is to be said of the political foresight of those Southern statesmen who would have established a consolidated government? Federalist South Carolina of 1787 and State sovereignty South Carolina of 1833 and 1861! Within less than a generation the South was seeking with all the skill available to find the sovereignty which certain of her statesmen, Madison included, would voluntarily have surrendered. And Madison knew full well the nature of the political differences of the times—the growing rivalry and separation of interests of North and South. Whatever may be said of the abilities of these men, it is apparently true that their political prescience was astonishingly deficient in this crisis.

In the Federal Convention the North Carolina delegates acted with the conservative groups. Davie, Spaight, Williamson, and the others, except Martin, belonged in North Carolina politics to the conservative party of lawyers and professional men, who had come to regard the democratic pretensions of the turbulent days of the Revolution as abstractions. They were willing to evolve checks and safeguards against democracy. On the great compromises North Carolina at first joined the large States and aided in forcing the acceptance of the plan for proportional representation in the lower house of Congress; but they cast the deciding vote in the great contest for State equality in the representation to the Senate.[10] Respecting the second compromise—that granting representation for three-fifths of the slaves in exchange for congressional control of commerce—the delegates acted possibly their most prominent part. The proposition relative to slave representation was first made by Dr. Williamson, and General Davie, in his most important speech before the convention, delivered the ultimatum that in case the compromise were not adopted the business of making a consti-

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[9]*Madison on the States;* Farrand, I, 471, (as quoted by Yates): "Some contend that the States are sovereign, when they are only political societies. There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The States never possessed the essential rights of sovereignty. These were always vested in Congress. The State of Maryland voted by counties; did this make the counties sovereign? The States, at present, are only great corporation, having he power of making by-laws, and these are effectual only if they are not contradictory to the general confederation." Madison quotes himself as saying that he "thought too much stress was laid on the States as political societies. There was a gradation, he observed from the smallest corporation, with the most limited powers, to the largest empire with the most perfect sovereignty. He pointed out the limitations on the sovereignty of the States, as now confederated; (their laws in relation to the paramount laws of the Confederacy were analogous to that of by-laws to the supreme law, within a State.)" Farrand, I, 464. A bitter controversy developed over these two quotations and their respective meanings, between Madison on the one hand and Citizen Genet on the other, for which see Farrand, III, Appendix A, cccx, cccxci, and ccclxxxviii.

[10]Connor, H. G., *The Convention of 1788*, in *North Carolina Booklet*, Vol. IV.

tution "was at an end" so far as North Carolina was concerned.[11] The tradition is that this announcement created a profound sensation. The compromise was adopted, and doubtless the constitution was thus assured. Davie later explained his motives as follows: "It became our duty, on the other hand, to acquire as much weight as possible in the legislation of the Union; and as the Northern States were more populous in whites, this could only be done by insisting that a certain proportion of our slaves should make a part of the computed population."[12]

With the Constitution framed, the next step was to secure its ratification. With the details of the campaign for this purpose in any of the States, including North Carolina, this paper cannot deal. Briefly stated, parties were formed in North Carolina, as in other States, for and against ratification, and taking the usual names, Federalist and Anti-Federalist. The leaders for ratification were Iredell, Johnston, Davie, Spaight, and Maclaine; and in opposition to it, Willie Jones, Caldwell, Spencer, Bloodworth, and Person.

In the pre-convention compaign in North Carolina the Anti-Federalists announced as their reasons for opposing the Constitution the absence of a bill of rights, the indubitable tendencies toward consolidation which appeared in it, and the grant of extraordinary powers to the proposed Federal judiciary.[13] Other contributory and perhaps more powerful motives were the suspicion of the government framed by the conservatives, the fear of a strong, independent, and energetic central government, and the instinctive reluctance to surrender State powers which was due to the inherent particularism of North Carolina people. The motives, either singly or collectively, caused the selection of an overwhelming majority in opposition to ratification. But the election of a majority in other States which was opposed to ratification had not always resulted in the defeat of the Constitution, and it is interesting to observe whether or not the North Carolina delegates will have the courage of their convictions.[14]

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[11]Farrand, *Records*, I, 593.

[12]*Ibid.*, III, 342. Under the Confederation, twelve States, in Congress had agreed to slave representation.

[13]Raper. *Why North Carolina at first refused to ratify the Federal Constitution*, Reports, 1905, American Historical Association, 99-107.

In connection with the absence of the bill of rights from the Constitution, it is well to remember that the Federalists said in explanation that the powers of the general government were delegated and enumerated powers, thus making a bill of rights unnecessary. Johnston and Iredell in North Carolina and James Wilson of Pennsylvania agreed in this idea. It is interesting to reflect upon the absence from their minds apparently of any thought or expectation that a Congress and a court might come later to construe the Constitution loosely, to stretch the "general welfare" clause and the "necessary and proper" clause to unforeseen extremities, and to adopt such laws as the alien and sedition acts. Mr. Jefferson was certainly on surer ground when he wrote Madison in this connection, that "To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed; but it is surely a *gratis dictum*, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the clause of our present Confederation, which had made the reservation in express terms." Washington, editor, Jefferson's *Works*, Vol. 2, 329.

[14]New York and probably Virginia and Massachusetts.

The convention met at Hillsboro on the 21st of July, 1788, and selected the conservative Samuel Johnston as presiding officer. This paper cannot deal with the details of the procedure, but only with the outcome and certain of the reasons for that result. The parties in the convention were led by two remarkable men—James Iredell, the ablest lawyer and statesman, and Willie Jones, the ablest and most influential politician in the State. From the standpoint of this paper, Mr. Jones is easily the most interesting figure present.[15] This remarkable man was so like Jefferson, his ideal, that he seems to have been as much of a prototype as was possible. A poor speaker, a free thinker for that time, a genius in politics who relied upon letters and private conferences to effect ends—these are qualities which fit either man, though it must be said that Willie Jones left little permanent evidence of his political influence and methods in the form of letters and papers. Mr. Jones has been judged, and must be judged largely, on the basis of tradition and on the testimony of others—and others who were frequently opposed to him. But Davie also was not a writer. The only great difference between him and Jefferson seems to have been in the scope and sweep of ambition, Jones having no ambition for office, particularly outside of North Carolina.

In the debate on the various sections of the Constitution, there occurred at the very outset a discussion which bears directly upon the subject of this paper and which has never been appreciated for what, in my opinion, seems its proper significance. Dr. David Caldwell opened the debate for the opposition by demanding what right the Federal Convention had to use the term "We the people," with which the preamble of the Constitution begins. He said:

> Mr. Chairman, if they mean *We the people*, the people at large, I conceive the expression is improper. Were not they who framed this Constitution, the representatives of the Legislatures of the different States? In my opinion they had no power from the people at large, to use their name, or to act for them.[16]

Mr. Joseph Taylor expressed the thought that the Convention aimed at a consolidation, and that the expression was designed to refer to the people *en masse* irrespective of State lines. Just why Davie and Spaight remained silent as to the true reason for the use of this expression is to me incomprehensible. Iredell and Maclaine stated that the expression was intended to refer to the future—that is, to the time after ratification when the Constitution would be the act of the people. There was no real answer to Caldwell's question, except in defending the delegates in the convention from the charge that they had assumed unwarranted

[15]For his position, see McRee, *Life and Correspondence of James Iredell*, II, 232.
[16]Elliott Debates, III, 29-37; 139-140; 145.

powers, and the question was left for the bitter days of the Hayne-Webster debate, and finally to settlement on the battle-field. The great potential importance of the expression was then unappreciated, though it is quite possible that the conservatives had ideas not very different from Webster's, and that they did not venture a more thoroughgoing defense.

The next subject on which the debate touched, which related to the status of the States, was in discussing the power granted to Congress to control the time and place of holding congressional elections. The opposition vehemently asserted that this power denoted a trend toward a consolidation, and that it was a reason why North Carolina should beware.[17] Davie, Iredell, and Maclaine defended and explained with all possible eloquence and force, but time has shown that Congress has used this grant to accomplish many of the results feared by the opponents of ratification.

When the objections to the Constitution had all been heard and answered by the defenders, Willie Jones moved the previous question, shutting off debate in order to offer certain amendments. The issue having been finally joined, Jones was supported by a vote of 183 to 84. Governor Johnston then arose to predict the direful results that would arise from a failure to ratify. One chief trouble seemed to be the mere mechanical inability of transmitting to the other States the amendments. North Carolina was to be out of the Union, a sovereign State, a foreign territory, for the time being. "We shall be entirely out of the Union and stand by ourselves. I wish gentlemen would pause a moment before they decide so awful a question. . . . We shall have no share in voting upon any of these amendments [to be submitted by the Federal Congress], for in my humble opinion we shall be entirely out of the Union, and can be considered only as a foreign power." The conservatives thought to frighten the radicals by asserting that the State would have to appoint ambassadors to the United States and to other foreign countries. It would take time to carry through the amendments, and in the meanwhile the great offices would be filled and laws would be made without the State having a voice in them.

Jones answered the first of these objections by saying that he wished to be out of the Union for the time. North Carolina ran no risk of being kept out of the Union in case she should later wish to come in, and that it was not necessary to send ambassadors to either the United States or to foreign countries. As to the second, relating to the offices, he added, with no doubt a great deal of secret joy, that "This is an objection of very little importance. Gentlemen need not be in such haste." He then mentioned a letter from Jefferson to Madison, in which Jeffer-

[17]Elliot's Debates, III, 57-74.

son expressed the hope that nine States would ratify, thus securing the benefits of a closer union, and that four States would reject, thus there would be a certainty of the adoption of the desired amendments.[18] He was ready to remain out of the Union until the amendments should be adopted.

The majority then submitted a proposed bill of rights containing some twenty sections and a list of amendments which it desired should be adopted. It was then determined, by a vote of 184 to 84, that North Carolina should neither ratify nor reject the Constitution. It was proposed also that the State Legislature should adopt a revenue law similar to any that should be adopted by the United States, and that the State should rapidly proceed to the redemption of its paper money.[19]

I cannot pass from this subject without saying a word of appreciation of the followers of Willie Jones, who have been so often criticized harshly. It seems to me that subsequent events largely justified their position, that the action of North Carolina had much to do in securing the adoption of the first ten amendments to the Constitution, and that the alien and sedition laws showed what a real foundation there was for the fear that individual rights were not sufficiently protected from Federalist interference, since even the amendments later adopted did not prevent their enactment.

So deep-seated was the Federalist suspicion of democratic legislation and political theories the movement in the United States Congress for the adoption of the amendments suggested by the various States was slow in progress, and it is quite conceivable that the party had no intention of submitting them, and would not have done so had it not been for the attitude of such States as North Carolina, the last named of which had acted with the specific purpose of forcing the amendments and of gaining time in which to observe if the new government was going to become tyrannical.[20]

So long as the Articles of Confederation remained operative the North Carolina representatives continued to serve in Congress, though those of Rhode Island withdrew immediately after the rejection of the Constitution by the State. In public law, I presume, however, the State resumed

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[18]Elliott's Debates, III, 197; see also Jefferson's letter to A. Donald, *Works* (Washington), Vol. 2, 355. Jefferson later changed his mind and favored ratification first and amendment later, on the Massachusetts plan. *Ibid.*, 399, Jefferson to William Carmichael.

[19]*Ibid.*, 219.

[20]Jones remained irreconcilable in his opposition to the Constitution. When President Washington visited his home town and expressed the desire to see Jones, the latter had previously left town, stating that he would welcome Washington as the general who had won the war of independence, but not as President of the United States. Hoyt, *The Murphey Papers*, I, 204.

For a different view of the significance of the action of North Carolina, see Connor, R. D. W., *Governor Samuel Johnston of North Carolina*, (*North Carolina Booklet*, XI, 1912), 283-284. He states that the only result of the action of North Carolina and Jones was to keep the State "out of the Union for a year and thus to prevent the State's casting her vote for George Washington as the first President of the United States." The inference is also that he regards the action of the State as having little or no effect upon the adoption of the amendments to the Constitution.

an independent status in theory, just as in fact, as soon as the new government of the United States was set in operation. From March 4 to November 21, 1789, North Carolina had no legal constituent connection with the United States. There is no reason to suppose that the State could not have sent ambassadors or ministers to foreign powers, have made treaties and alliances, war and peace; and had the interval been longer, unquestionably these measures would have been adopted. The United States, maintaining an attitude of forbearance and respectful invitation, recognized the situation by making no laws which were designed to operate in North Carolina. Certain tariff laws were ultimately passed which were to regard North Carolina as a foreign country, though Dr. Williamson, representing the State as diplomatic agent to the Government of the United States, memorialized that Government against such a course.[21] The judiciary act was not to operate in North Carolina.

In diplomacy, North Carolina was represented by informal commissioners, notably Dr. Hugh Williamson, who was authorized by the State to begin negotiations for the equitable division of the debt, so that North Carolina should begin to take care of its share. He was to confer also in relation to favorable tariff and customs regulations. North Carolina also may be said to have communicated with Spain, through the Minister at Washington, relative to the Indian troubles on the western frontier and to the threatened war which might thus be fought with the reputed subjects of Spain, as the Indians were then regarded by some. In such contingency the State hastened to mobilize its troops and to prepare for the conflict, which was happily avoided for the time through negotiations carried on by the State. In domestic administration, the State's history presented no unusual types of incidents nor movements made extraordinary because of the peculiar situation of the State. Letters were exchanged between the two governments, between North Carolina and the Spanish Minister, Gardoqui, and between North Carolina and the French Consul at Wilmington, Ducher. Letters were also exchanged between Washington and Governor Johnston, as between two powers, relative to ultimate ratification of the Constitution.

Unquestionably there was a heavy reaction in favor of the Constitution during the year 1789, possibly due to the fear of serious complica-

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[21]Wagstaff, *State Rights in North Carolina*, 29-30; *State Records*, XXI, 563. Congress recognized the separate and independent *status* of North Carolina and Rhode Island in passing the act of July 31, 1789, which reads, "Whereas the States of Rhode Island and Providence Plantations and North Carolina have not as yet ratified the present Constitution of the United States, by reason whereof this act does not extend to the collecting of duties within either of the said two States, . . . Be it, therefore, further enacted, that all goods, . . . which shall be imported from either of said two States of Rhode Island and Providence Plantations or North Carolina into any port or place within the limits of the United States, . . . shall be subject to the like duties, seizures, and forfeitures as goods, wares, or merchandise imported from any State or country without the said limits." For discussion of this and similar laws, see Tucker, *The Constitution of the United States*, I, 283 *et seq.*

tions with the Indians in the West, to anticipations of injury to commerce through the operation of the tariff and navigation laws of the United States, and to the fact, more than anything else, that Congress showed willingness to take up the subject of the amendments. Few, if any, had the intention of remaining out of the Union permanently. Though Willie Jones opposed the movements for a new convention as being a sacrifice of precious liberties, he was not successful, and petitions were sent in for such a convention. The Legislature agreed, and the convention, meeting at Fayetteville, ratified the Constitution by a majority of 118, the victory coming as a surprise, for, as Johnston said, the opposition was still "violent and virulent." The reaction was, if I read the records of the time rightly, superficial and temporary, rather than real and permanent. Once a member of the Union, North Carolina returned to the individualism of Willie Jones. Two incidents in 1790—the one a refusal on the part of the Legislature to take the oath of allegiance to the Constitution, the other a refusal of the court of equity of North Carolina to obey a writ of *certiorari* issued by the Federal court—showed how plainly sentiment was veering.[22] The advantages of the Union, however, prevented a break at that time.

The period in which North Carolina was an independent State possessed indubitably of its valuable sovereignty was so short that there was not opportunity for those dramatic and forceful expressions of power which would make it memorable. This absence is also due to the fact that the government was in the hands of the Federalists, who were seeking in all proper ways to effect the ratification. Still, the action of the State was not without its great service, practically and theoretically, to the nation and to the classical political theory of the South. Its example did much to effect the amendments—that was the chief purpose—and in political theory it goes far to prove that Mr. Lincoln was in error in assuming that there had been no States other than Texas which had exercised sovereign powers. It also goes far to overthrow the idea of Webster, as a historical fact, that the people, irrespective of State lines, had been those referred to in the preamble of the Constitution.[23]

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[22]Wagstaff, *State Rights in North Carolina*, 32-33.

[23]For a discussion—based on the same theories as are presented in this paper—of the nature of the revolution by which the Constitution was framed and adopted as well as regards the status of the States under it, see Pierson, *Texas v. White, A Study in Legal History*, 47-64.

Suffrage in North Carolina

BY W. S. WILSON.

The proverbial conservatism of North Carolinians is nowhere more apparent than in the tardiness with which they demanded, and finally obtained, the right to cast their ballots for the men selected to serve them in official capacity. The idea now prevalent that public officers are public servants, and are under certain well-defined obligations to the people whom they represent, is one which has taken more than a century to grow to its present proportions, and it is as yet an unfinished product. Each generation since the adoption of our first Constitution has brought us some measure of development of the part the people as a whole should have in the administration of governmental affairs. Prior to this time, under both the proprietary and colonial governments, they had but small part in the selection of the men who governed them. The main source of authority was vested in the hands of the representatives of the proprietors or those of the crown.

It is true, with certain restrictions, they were permitted to vote for members of the legislative body, but in most cases they had but little voice in selecting the men for whom their ballots were cast, so that the election was largely a matter of form. The judges, sheriffs, clerks, justices and other officers were appointed by the Governor from the class which would now be denominated the "ring politicians," and these officers and their friends selected the candidates for the Assembly, and saw to it that they were elected. In some instances the masses of the people in a county met and nominated a candidate, and on rare occasions elected him, but the election of representatives of this class was an exception rather than the rule. While the Governors, in many instances, were men who earnestly tried to administer the government in the interest of the people, they were of a different mold and necessarily had but an imperfect understanding of and little sympathy with the hard life of the times.

No law enacted by the Assembly could become effective until approved by the Governor, and his acts were subject to the review of the home authorities. So it was but natural that the Governors and their councils were often harsh and overbearing with the Assembly, while it was openly, and doubtless justly, hostile to the powers that checkmated and disapproved the laws which its members enacted.

Under these conditions, with a government which was in fact most tyrannical and almost entirely devoid of the principle of representation

on the part of the governed, the people became restless and dissatisfied and frequently presented their grievances through memorials to the Assembly, which was, in fact, in but little better condition so far as real power and authority were concerned than the petitioners who sought relief.

The representatives of this government who had in hand the administration of the laws were not men chosen by the people or in sympathy with them, but were appointees of the Governor, who in many cases rewarded them with these honors and emoluments for political purposes, or, worse still, to enable them to make an easy living from the hard-earned taxes of the people. Abuses of these trusts, both real and imaginary, tended to make even wider the gulf between the government and the governed. Organized, open revolt to authority in many parts of the State was a frequent occurrence prior to the Declaration of Independence in 1776.

The wilds of the new world had given birth and strength to a people whose ideas and aims had constantly grown away from the mother country and the government it was administering for them, and though at first sentiment dared not go to the extreme demanded by self-interest and the awakened consciousness that a new nation had been born, it is evident that the people, misgoverned and dissatisfied as they were, were ready and anxious to cast their fortunes with their sister States and strike for freedom and the right to establish a government of their own making.

Although the written law embodied in the Constitution of 1776, which was the result of this concerted determination, contained but little more in the way of placing an effective ballot in the hands of the voters than they had had before, it did contain provisions by which the property owners controlled the government in all its branches. These leaders who met to frame a chart for the future were, after all, men of English training and sympathy, comparatively few years removed from English custom and conservatism, with the ideals of the English system of land tenure and value; and though they were ready to sacrifice their lives for the cause of freedom, they readily subordinated the individual to the land they were preparing to defend. They agreed upon a constitution and promulgated it as the fundamental law without submitting it to a vote of the people. So that the government planned and carried into execution by them was not a democracy as the term is now understood, but the real, effective basis of suffrage was the possession of a freehold of as much as fifty acres of land. The ownership of property was a prerequisite to the selection of candidates for Governor, as well as members of the Senate. Only freeholders were permitted to vote for Sena-

tors, while all electors who had paid their taxes might vote for members of the Assembly. Each county, regardless of size or population, elected one Senator and two Representatives, who, on joint ballot, elected the Governor and other State officers for a term of years, with the exception of the judges, who were elected for life.

Although at this time the right of suffrage had not apparently been considerably extended since the people had previously voted, under similar restrictions, for members of the General Assembly. In fact, the Legislature, instead of the Governor, now became the controlling factor in the government, whereas it had been but a feeble and ineffective body. The Governors were elected by it, and as they were eligible to reëlection a very limited knowledge of human nature will convince one that under these circumstances they would not vary far from the dominating ideals of the Legislature if they were able to fathom and follow them. The judiciary was more independent, as its members held office for life, but the legislative will, which was determined largely by the people though under restricted suffrage, dominated and shaped the course of the government. Here petitions could be dealt with effectively, laws could be enacted without hindrance by foreign influence, and a Governor, subject to the will of the Assembly, could be depended upon to have them properly administered.

While under this constitution there was no foreign power to contend with it was quickly realized that as between the residents of the eastern and western sections of the State there were irreconcilable differences of opinion. The two sections had been settled independently of each other. The residents of the one section had but little in common with the residents of the other. The flat, fertile lands of the east produced abundantly and the streams offered transportation facilities for marketing produce and an inlet for outside commodities. Slaves were profitable, and, as values were counted in those days, this was the rich and aristocratic part of the State. The west, on the other hand, settled mainly by Scotch-Irish and people of German birth, who cared little for slaves and possessed but comparatively few of them, was more progressive and fought valiantly through its representatives in the Assembly for advanced ideas in legislation. They advocated the adoption of a system of internal improvements, road building, the establishment of a system of free schools, and, above all, a fair representation in the Assembly based upon the area and population of their territory. These reforms met with but little encouragement, and generally with decided opposition from the eastern representatives, who were satisfied with the conditions they had brought about, and steadfastly refused either to accede to the demand for progressive legislation or to permit the division

of the larger counties of the west, which would have endangered their long established power to control the government. That the demands of the west were justified may be well established by the single fact that of the sixty-four counties of the State, thirty-six were east of Raleigh. The voting population of these counties was only 8.7 per cent of the total white population, but it chose a majority of the General Assembly, and therefore elected the Governor and dominated the entire State government. The sectionalism developed during this period became the chief source of constitutional and political controversy for almost a hundred years.

For a quarter of a century prior to the time some measure of relief came to the west its representatives fought valiantly for a change, and among other things pointed out that, owing to the reactionary spirit of the east, the State was not only poor, but was growing poorer; that half of the white population was illiterate, and that thousands of its sturdy citizens who were dissatisfied and disgusted with their home government had gone to other States. An estimate of these emigrants placed the number at more than five hundred thousand.

A constant and merciless publicity of these facts expounded by the virile and active leaders of the progressive west finally won recognition for their section and resulted in calling the Constitutional Convention of 1835. There were in this body strong representatives of the two conflicting schools of political thought—those from the east battling for the maintenance of present conditions, and those from the west equally bent on uprooting and changing the entire scheme of government. In the final outcome neither side was successful, but the work of the convention was largely a compromise. The county unit of representation was abolished and a new system was created. Population was made the basis for the apportionment of the one hundred and twenty members of the House of Commons. To each county was assigned one member and the remaining members were distributed according to population; but by reason of the fact that three-fifths of the slaves were included in estimating the population, the east still retained its advantage in the House of Commons. The Senate was to be composed of fifty members to be elected from districts created from territory according to the value of property listed for taxation. Here also the east asserted itself. The most significant and far-reaching step taken by the convention was that which placed the election of the Governor in the hands of the people. The restrictions which had prohibited Catholics from holding office were removed, the ballot was taken from free negroes, and biennial sessions of the General Assembly were provided for. Probably, however, the most democratic act of this convention, and one which showed more

clearly the ascendency of the popular will, was the submission of these amendments to a vote for their ratification. This was the first time the people had voted on a Statewide measure. Although the east opposed the adoption of the amendments, and particularly the one providing for the election of Governor, alleging that it would necessitate political campaigns which would destroy the fundamental principles of the government established by the fathers, they were adopted—the west voting for and the east against them.

Prior to this time there had been no State issues. The only officers elected were the members of the Senate and House. Hence no Statewide measures had been considered. The person elected Governor by the General Assembly had not only been, in a great majority of cases, entirely unknown to the voters, but he was independent of them, and therefore felt under no obligation to them for his office. Party lines in the State were determined entirely by national questions. There were no State parties as such, and necessarily no State organization and but local and fitful interest in State affairs.

For the first election under the new constitution Statewide political organization was impossible, and the habits of the people were too thoroughly fixed upon national affairs for matters of State concern to play an important part, but when the election returns were canvassed the progressives, who had forced the convention, elected their candidate for Governor and thus entrenched themselves in power for more than a decade, during which time a policy of progress, education and internal improvements was established which turned the tide of emigration and laid the foundation for the upbuilding and development of the State. Regardless of local party ascendency the people came to realize and appreciate the State idea as opposed to the county or local unit on the one hand and the interests of the Nation on the other.

Having advanced so materially under the compromise measures of 1835, it is not surprising that within a few years there should arise further agitation for suffrage reform. The Senate was still the representative of the landed class and only freeholders could vote for its members. The slaves of the east, while not permitted to vote, were counted to the extent of three-fifths of their number in determining the county representation in the House of Commons. Free suffrage and a change from the basis of property to one of population in determining the senatorial districts came to be live political questions. Again the east and west met in political battle. Beginning with a bill in the Legislature of 1842, these questions came in 1848 to be the leading issue between the two political parties. In this campaign the progressives were defeated by a slight majority, but they won easily two years later.

Division of opinion among the members of the Legislature as to the adoption of one or both of these measures, and whether the necessary changes should be made by the Legislature or by a constitutional convention, and the further fact that it was necessary to pass constitutional amendments by two sessions of the Legislature, delayed the submission of either amendment for six years. Only one amendment, that which eliminated the freehold requirement, was then submitted, and it was adopted by a vote of two to one in its favor. Thus it had taken eighty years of agitation to secure the right of free suffrage which had been withheld regardless of the fact that the original constitution had declared "that all political power is vested in and derived from the people only."

At last manhood suffrage prevailed and each citizen was given the right to cast his ballot for all the elective officers of the county, State, and Nation. The spirit of democracy had triumphed and the State made rapid strides in governmental betterment and development. It established schools, built roads, canals, railroads and manufacturing plants. Its population and wealth rapidly increased, its schools were being multiplied and the attendance was growing, and all told, the State was keeping step with her sister States in general progress. Then came the devastating period of civil war. Emerging from its blight and bitterness, bankrupt and sore at heart, its people were forced with an iron hand to undergo the reconstruction period, when might not right, vengeance not justice, passion not poise, wrought shame, degradation and disaster, which were as painful and humiliating as had been the fortunes of war.

The old order passed away. Under the new constitution, officers who had been appointed were made elective, and the scope of suffrage was thus enlarged and extended. The right of suffrage was extended to negroes who were incapable of its proper exercise. They became the willing tools of designing white men, resident and imported alike, while numbers of the best white men were disfranchised. Thus a race which had never taken part in government was given the balance of power, which it retained for a generation in many parts of the State. Intolerable political conditions resulted in the eastern half of the State to such an extent that its representatives in 1899, manifesting the same spirit which in the Convention of 1835 deprived free negroes of the right of franchise, proposed and enacted an amendment to the Constitution providing an educational qualification for voters. To this qualification was appended a proviso to the effect that those persons who had voted before 1868, or their descendants, should be permitted to have their names entered on a permanent registration list prior to 1908, and such

persons were exempted from the educational test. Since 1908 all new registrations have been made upon the basis of an educational qualification.

To attacks upon this amendment as an unfair discrimination against the negro, no better answer can be given than the fact that the change has been alike beneficial to both races. The negroes have been temporarily removed from the realm of politics. Schools and every other facility that are offered to the whites are open to them, so they may qualify themselves by education and training for a proper exercise of the ballot and an intelligent participation in governmental affairs. The feeling between the two races is better than ever before, and financially and morally they are going forward in a manner and at a rate which would have been impossible under former conditions. Progressive policies of government are proposed, discussed and settled on their merits without appeal to race prejudice; both elements are spared disagreeable references to former conditions, and each shares alike the advantages and improvements thus made possible through better legislation. The State is making every possible provision for their betterment and development, and the race question, if left alone by persons who are not familiar with local conditions, will eventually solve itself.

During the sixteen years since the adoption of this amendment the State has gone forward by leaps and bounds. New schoolhouses have been erected at the rate of more than one each day, taxable values have doubled, banks and bank deposits have been multipled many times, and along all lines of endeavor the State is keeping step with the progress of the age.

A Statewide primary law has been enacted and tried out with satisfactory results. It should and will be improved and made more effective in registering the will of the people, but the principle of the law is democratic and no backward step will be taken in reference to the primary idea.

The necessity of providing some method for relieving the General Assembly from the mass of local and private legislation which has been constantly increasing, coupled with the initiative and referendum in municipal and county government, have but recently made possible the enactment and adoption of four constitutional amendments which will widely extend the exercise of the franchise in determining questions of immediate local concern. Under general laws to be enacted by the General Assembly the right of local self-government for counties and home rule for municipalities is now assured.

Continued agitation and discussion will sooner or later lead to the enactment of additional suffrage measures. In this day of educational facilities, when all callings and professions are not only open to, but

are largely filled by women as well as men, we cannot long stand by and deny to our equals in culture, in understanding and appreciation of the problems of the day, and in that interest and sympathy which are so essential in the extension of helpful agencies, the right to share with us the privileges and responsibilities of the ballot.

As the best government is that which depends not upon force, but upon the creation and development of agencies for service, so the most representative government is that which takes into account the rights and interests of all the people, women as well as men, and gives them all a like part in the administration of its affairs. Equal suffrage on this basis is the question we shall soon be called upon to solve. Its solution will come not after campaigns of bitterness and passion, but after a period of persistent publicity and appeal to the spirit of right and justice and fair dealing.

The initiative, the referendum, the recall, proportional representation, and other forms of extension of the franchise will in time present themselves for consideration.

Each extension of the right of suffrage, save in the case of the negro, has been followed by improved economic, industrial and social conditions. Government has gradually, but surely and rightly, grown away from the idea of repression and force, and is becoming, as it should be, an agency for the betterment of the condition of the people.

Instead of spending half the State's income for legislative expenses and the other half for administering punitive laws, these items are now insignificant. The building and maintenance of schools and colleges, the better and more adequate payment of teachers, the administration of health laws, the advancement of agricultural education and demonstration, the care of the unfortunate, the establishment of a system of good roads and the hundreds of other constructive measures which come close to the people—these are the problems which face the lawmakers of today.

Step by step, slowly it is true, but nevertheless in a forward direction, with a conservatism which bespeaks both courage and conviction, the people have wrought wisely and well not only in reference to the suffrage, but the hundreds of other great legislative and economic questions which fall to the lot of a great commonwealth containing many diverse and conflicting interests. The history of their achievement is one of which we may be justly proud.

With a confidence born of experience we look forward with faith to a proper and just development and extension of all the agencies of governmental service and a proper solution of the problems confronting us, in a manner which will be in keeping with the highest ideals of a liberty-loving and patriotic people.

History of Crime and Punishment in North Carolina

BY THOMAS M. PITTMAN.

Old-time punishment was vindictive. This was not merely a theory of punishment, but an expression of the spirit which pervaded society. Even sports were rough and often brutal; and when for variety's sake the shilalah and hawthorn were suffered a little rest, there was yet an appetite for the grotesque and horrible, grinning matches, for example, in which Addison tells us—

> "The frightfull'st grinner
> Be the winner."

The colonists brought with them to North Carolina the English criminal law as it was then in force. This embraced the English common law of crimes and its then existing statutory modifications.

This common law is continued in force in North Carolina by statute: "All such parts of the common law as were heretofore in force and use within this State, or so much of the common law as is not destructive of or repugnant to or inconsistent with the freedom and independence of this State and the form of government therein established, and which has not been otherwise provided for in whole or in part, nor abrogated, repealed or become obsolete, are hereby declared to be in full force within this State."

In general, punishments are now, with us, prescribed by statute. For felonies where no specific punishment is prescribed, it is limited to two years imprisonment in the county jail or State's Prison or fine, in the discretion of the court; or if the offense be infamous, to such imprisonment for not less than four months nor more than ten years, or fine. In misdemeanors where no specific punishment is prescribed it shall be as for misdemeanors at common law; but if infamous, or done in secrecy or malice, or with deceit and intent to defraud, it shall be by imprisonment in the county jail not less than four months nor more than ten years, or fine.

There were inflicted for crimes at common law, capital punishment, imprisonment, fine, pillory, tumbrel or ducking stool for common scolds, stocks and whipping. Transportation, which entered so largely into the settlement of English colonies, did not exist at common law, and was first introduced by statute of 39 Elizabeth, enacting "that such rogues as were dangerous to the inferior people should be banished from the realm." The first statute in which the word "transport" appears is

18 Car. II, which gives a power to the judges, at their discretion, either to execute or transport to America for life the Moss troopers of Cumberland and Northumberland.

Gruesome pictures have come down to us of English methods in the infliction of punishment, and the law books furnish strong corroboration of the most sensational fiction. Blackstone says that capital punishment "consists generally in being hanged by the neck till dead, though in very atrocious crimes other circumstances of terror, pain, or disgrace, are superadded; in high treason affecting the king's person or government emboweling alive, beheading and quartering; and in murder a public dissection." An old form of sentence concludes, "and there be hanged by the neck until he be dead, and that afterwards his body be dissected and anatomized."

The law was not yet satisfied, but upon every judgment of outlawry or of death, for treason or felony, a man was said to be attainted, *attinctus,* stained or blackened, from which there were two consequences: forfeiture of property and corruption of blood. Even this was extended by "bills of attainder" in Parliament, where special acts of attaint were passed in particular cases not embraced by the general law.

Both in law and practice, North Carolina was the daughter of her mother. The first charter authorized the Lords Proprietors in person and by their deputies, etc., to make laws, and to execute . . . by imposition of penalties, imprisonment, or any other punishment; yea, if it shall be needful and the quality of the offense requires it, by taking away member and life, . . . *Provided, nevertheless,* that the said laws be consonant with reason, and as near as may be conveniently, agreeable to the laws and customs of this our Kingdom of England." In strict conformity with the act of 1741, being Chapter XXIV, section 48, Iredell's Revisal, the following judgment was rendered in Duplin County:

"At a special court begun and held at the Court House in Duplin County on Thursday the 15th day of March in the Year of Our Lord 1787, for the immediate Tryal of Darby and Peter two Negroe Slaves the Property of the late William Taylor Esq. now committed and to be tryed for the Murder of the said William Taylor their Master, which court being summoned and convened by the Sheriff of the said County and being duly Qualified according to law, were Present, to wit:

Thomas Routledge
Joseph Dickson
James Gillespie
} Esquires Justices

Lewis Thomas
James Middleton Sr.
Isaac Hunter
Alexander Dickson
} Freeholders. All being owners of slaves and unexceptionable according to law.

The said Negro Man Darby being brot. before the Court did Confess that he did on the Thirteenth day of this Instant Month felloniously Maliciously and Willfully murder his said Master William Taylor by striking him on the head with an ax into his Brains of which wounds his said Master instantly Died whereupon the Court doth pass this Sentence in the word following to wit that the said Negro Man Darby be immediately committed to Gaol under a good Guard and that on Tomorrow between the Hours of one and Four o'clock in the afternoon he be taken out thence and tied to a Steak on the Court House lott and there burned to Death and to Ashes and his ashes strewed upon the Ground and that the Sheriff see this Order Executed.

The said Negro slave Peter a boy about fourteen years of age being also brought before the Court and examined did Confess that he was present when his Master the said William Taylor was murdered and that he did aid and assist his Brother the aforesaid Darby in committing the said Murder the court having taken into consideration the youth of the said Peter and considering him under the Influence of his said older Brother Darby, have thought proper to pass this sentence in the following words to wit:

That the said Negro boy Peter be committed to the gaol and there to Remain under a Good Guard, till Tomorrow, and then between the Hours of one and four o'Clock he be taken thence and tied to a Post on the Court House lott, and there to have one half of Each of his Ears cutt off and be branded on each Cheek with the letter M and Receive one hundred lashes well laid on his bare back and that the Sheriff see this order Executed.

To which Sentences the Court have hereto Subscribed their Names.

THOS. ROUTLEDGE
JOSEPH DICKSON
JAMES GILLESPIE
LEWIS THOMAS
JAMES MIDDLETON
ISAAC HUNTER
ALEXANDER DICKSON.

Test W. DICKSON, C. C.[1]

Others of like character are noted in the Colonial Records.

One other instance will sufficiently illustrate the extreme application of the harsh laws in force in this State as late as 1771. It is the case of the Regulator, Capt. Benjamin Merrill. The conclusion of the sentence was as follows:

"I must now close my afflicting duty by pronouncing upon you the awful sentence of the law, which is, that you Benjamin Merrill, be carried to the place from whence you came, that you be drawn thence to the place of execution, where you are to be hanged by the neck; that you be cut down while yet alive, that your bowels be taken out and burnt before you face, that your head be cut off, your body be divided into four quarters, and this to be at his Majesty's disposal."

The sentence was pronounced by the chief justice, the execution waited upon the pleasure of Governor Tryon, and the occasion was

[1]Copied by R. D. W. Connor from the Court Record of Duplin County, at Kenansville, May 1, 1907.

graced (?) by the presence of a number of the most distinguished gentlemen of the State.

Attainder, too, was recognized both in law and practice. In the case just mentioned, we are told that Captain Merrill made earnest appeal to have his wife and children spared the forfeiture of his property, and Governor Tryon was pleased to make a recommendation to that effect to the Crown.

In the Assembly the Commons, on April 22, 1782, named Mr. Nash, Mr. Sharpe, Mr. Person, Mr. J. Johnson, Mr. Spaight, and Mr. McCullock on a committee to act jointly with such gentlemen of the Senate as may be appointed to prepare and bring in a bill of attainder. Messrs. Bryan, Bledsoe, and Lochhart were named on the part of the Senate, and the bill was duly introduced and passed to attaint certain persons therein named of treason, to pardon others on certain conditions, etc.

In effect, Chapter III of the first session of 1777, Iredell's Revisal, page 284, had covered the same ground without using the word attainder or decreeing the corruption of blood.

How extensively these acts applied will appear, in a measure, from Chapter VI, 1782 (Iredell's Revisal, p. 425), which declared absolutely forfeited and directed the sale of lands, tenements, hereditaments, negroes, and other estates, real and personal, which were on the fourth day of July, A. D. 1776, the property of the following persons, to wit: William Tryon, Josiah Martin, Esquires, Sir Nathaniel Duckinfield, Henry McCullock, Henry Eustace McCullock, Samuel Cornell, Edmund Fanning, and others—in all, about seventy-five persons.

It was finally provided by the Constitution of 1868, still in force, "No conviction of treason or attainder shall work corruption of blood or forfeiture." Art. IV, sec. 5.

One feature of the English criminal law which was also transplanted to North Carolina had a highly ameliorating influence upon the harsh punishments of our earlier days, and is too interesting to be omitted from this paper. It was known as "benefit of clergy."

Blackstone says "this had its origin from the pious regard paid by Christian princes to the church in its infant state, and the ill use which the popish ecclesiastics soon made of that pious regard." The exemptions which they granted to the church were principally of two kinds: (1) Exemption of *places* consecrated to religious duties, from criminal arrests, which was the foundation of sanctuaries. (2) Exemption of the *persons* of clergymen from criminal process before the secular judge in a few particular cases, which was the true original meaning of the "*privelegium clericale.*" This exemption, allowed first only to the clergy,

then extended to clerks, and later to all who could read, was availed of by a plea claiming benefit of clergy, first as to particular offenses, but finally in all felonies, whether new, created, or by common law, unless taken away by express words of an act of Parliament, which explains the old enactments in this State, which imposed the death penalty, and closed "without benefit of clergy." Upon the plea being allowed, the party was "burnt with a hot iron in the brawn of the left thumb" and discharged. There remained in the judge, however, a discretion to substitute imprisonment, whipping, etc., for the burning. All this, of course, was in lieu of the death penalty.

This exemption has been repeatedly claimed and allowed in North Carolina. In *State v. Carroll,* 24 N. C., 257, upon a conviction of grand larceny, the defendant was called upon to show cause why sentence of death should not be imposed upon him. He craved benefit of clergy, whereupon the court adjudged "that the prisoner be twice whipped, and receive at each of said whippings thirty-nine lashes on his bare back."

In *State v. Elizabeth Gray,* 5 N. C., 147, the defendant claimed benefit of clergy. The case was appealed to the Supreme Court upon the question of a woman being entitled to the plea, and was disposed of by a short *per curiam* decision. "No reason can exist at this day why females shall not be entitled to benefit of clergy."

Finally benefit of clergy was abolished and the English statute of 7 and 8 George IV. was enacted in this State, and first appears in the Revised Code, ch. 34, sec. 22, as follows: "No person convicted of felony shall suffer death unless it be for some offense which was excluded from the benefit of clergy before, or on the day when the enactment takes effect."

Prior to our Civil War corporal punishment was resorted to in preference to imprisonment, and there was required to be "kept and maintained in each and every county in the State a courthouse, common jail, and *stocks.*" There are frequent instances in our records of mutilations of a character not to be mentioned in this company, and one case in which Dr. Anthony Newton was paid for amputating the hand of John Burnett, "a notorious felon." The nature of the offense is not stated. Aside from these, possibly the most severe corporal punishment between the Revolutionary period and that of the Civil War was for perjury, where the offender, after being fined not exceeding one thousand dollars, "shall stand in the pillory for one hour, at the expiration of which time both ears . . . shall be cut off and severed entirely from the head, and the ears so cut off shall be nailed to the pillory . . . and there remain until the setting of the sun; and the person so offending shall be ren-

dered thereafter incapable of giving testimony in any of the courts of this State." Rev. Stat., ch. xxxiv, sec. 50. In the Revised Code, eighteen years later, one or more public whippings, "not less than thirty-nine lashes on his bare back," were substituted for cutting off the ears.

A discussion of crime and its punishment under the Constitution of 1868 is by no means an easy task. That instrument is distinguished throughout by a high regard for human liberty, and generally for its humanitarian spirit. Offenses punishable with death were reduced to four in number, and of those, burglary in 1889 and murder in 1893, were divided into two degrees, only one of which is capitally punished. Corporal punishment was abolished. A penitentiary was established, and imprisonment for high crimes and fines for petty misdemeanors was the dominant note in the new order. Previous to that time the longest term of imprisonment named by law was three years; now, with the abolition of the death penalty, the limit has gone to thirty years, and it is by no means a dead letter.

It can hardly be claimed that the new policy has been developed either by the Legislature or the courts in quite the spirit of the Constitution. The confinement and guarding of criminals is an expensive proposition, and it was found difficult to make the State and local prisons self-supporting by the labor of the prisoners within those institutions. There was superadded to the imprisonment authority to farm or hire out prisoners, or employ them upon the roads or upon other public works, so that it became, in a measure at least, a speculation in cheap labor, which has not been free from abuse.

The laws abolishing imprisonment for debt and creating the homestead and personal property exemptions, together with the preëxisting insolvent debtor's law, have apparently contributed to the embarrassment of our criminal system. They have greatly impaired the ability of the courts to give relief against persons of small means who fall short of their obligations in matters heretofore remediable in civil actions. It is almost certain that this measurably accounts for the ever-pressing demand upon the Legislature to create new offenses to cover real and fancied grievances, and too often, there is reason to suspect, for the purpose of winning some selfish advantage not otherwise attainable. It is pertinent in this connection to note the increase in the body of our criminal law. The Revised Statutes, published in 1837, covering the accumulated legislation of more than one hundred and fifty years, had ninety-one sections in its chapter on Crimes and Punishments. The Revised Code, published eighteen years later, in 1855, had one hundred and twenty sections in that chapter, while Pell's Revisal, published in 1908, has five hundred and seventy-six sections. Many of these statutes

are wise and just, and the natural and legitimate outcome of new and rapidly changing conditions, but so great an increase in the body of the criminal law can hardly indicate a healthy system.

The history of crime and punishment cannot be separated from the judicial administration of the criminal law. The rotating system by which our courts change judges twice every year has been destructive of steady and uniform administration of the criminal law, and has created in the public mind an impression that punishment rests in the caprice of the judge, rather than in his discretion or any law of the land. As if this were not enough to strain the system almost to the breaking point, recorders' courts have been set up here and there over the State. They have no place in the judicial system contemplated by the Constitution; they are not required to be presided over by men versed in the law, but such as they are, may determine, without a jury, cases upon which experienced Superior Court judges would not dare intimate an opinion for fear of discipline by the Supreme Court. Here we may see a road sentence of a year or more imposed for an offense which experienced judges dispose of with a fine of twenty dollars.

Under these conditions a discussion of crime and punishment would mean a consideration of individual cases, and the lack of unity, symmetry, and scientific development of the criminal law and administration which are essential to the protection of the public and the reform of the criminal. This would carry us beyond the scope of this paper.

It would be a grave wrong to society and to this Association to leave this subject without calling earnest attention to the serious menace to society which these conditions entail. Human liberty is become a jest in the courts, and among those whose duty it is to conserve it. Leading newspapers praise judges and solicitors for the number of convictions and the aggregate number of years of prison sentences imposed. We cannot hope for great improvement while courts get their living from the costs and counties get labor for their public works at an expense of board for the prisoners and the payment of court costs. The selfish element is too great a consideration. Good citizens need greatly to bring to the investigation of our criminal law their best intelligence and their best humanity.

This paper would fail to present a true account of the history of the administration of the criminal law in this State if it omitted mention of certain beneficent provisions of our law.

1. Boards of county commissioners are authorized to establish houses of correction in their respective counties, issue bonds to raise money for their establishment, levy taxes for their maintenance, and appoint a manager and directors for their government.

2. The directors of the State's Prison are authorized to establish a reformatory, either within or outside the prison, where convicts under the age of 15 years shall be confined separate and apart from other convicts.

3. Offenses by any minor under the age of 16 years, where the punishment as now fixed by law cannot exceed ten years, shall be misdemeanors, and he may be sentenced to a house of correction, fixing a minimum and a maximum term, the latter not to exceed ten years. At any time after the expiration of the minimum term the authorities in charge of such offender may let him out on parole upon such terms as may be deemed wise and just, not to extend beyond the maximum term. Under certain circumstances the sentence may be to the county farm or to a public or private reformatory, or offenders may be apprenticed. Any such offender may be recaptured if he violates his parole.

4. The most practical agency at this time for dealing with youthful criminals is the Stonewall Jackson Manual Training and Industrial School. It grew out of the hearts of the good women of the State. It is being worked to its full capacity and is a splendid example of remedial punishment instead of vindictive.

These provisions, except the last named, are now dormant and largely unknown, but they are instruments ready to our hands to begin the process of saving the beginners in crime, by which we shall cure and not destroy those who go astray.

North Carolina Bibliography, 1916

BY MINNIE W. LEATHERMAN.

The Bibliography includes publications issued from the date of the last meeting of the Association, November 8, 1915, to the date of the present meeting, December 5, 1916. In the two preceding reports articles appearing in periodicals were listed as an experiment, but the plan did not prove feasible. Hence periodical literature is not included in this Bibliography and probably will not be in succeeding reports.

BOOKS

KEY TO ABBREVIATIONS: c, copyright; ed., edited; il., illustrated; p., pages; por., portrait; v., volume; S., D., O., refer to size of book.

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STUDIES IN PHILOLOGY, published under the direction of the Philological Club of North Carolina. Vol. 13, No. 1-4.

TRINITY COLLEGE HISTORICAL PAPERS, ed. by William K. Boyd. Series 11.

The *South Atlantic Quarterly, North Carolina Education, North Carolina Library Bulletin, Social Service Bulletin,* and the publications of the various colleges and universities have been issued regularly during the year. A new magazine, *Everywoman,* made its appearance in October, 1916, and will be published monthly.

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Mrs. F. O. Moring.
Hugh Morson.
N. C. Newbold.
Mrs. M. T. Norris.
Rev. T. W. O'Kelly.
Miss Rosa Paschall.
W. J. Peele.
E. F. Pescud.
Rev. I. McK. Pittenger.
Mrs, I. McK. Pittenger.
Clarence Poe.
Mrs. Clarence Poe.
Jos. E. Pogue.
Miss Eliza Pool.
Miss Ida Poteat.
Mrs. I. M. Proctor.
Dr. George J. Ramsey.
Mrs. R. B. Raney.
Dr. W. S. Rankin.
John E. Ray.
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Miss Mattie Reese.
W. C. Riddick.
Charles Root.
Mrs. M. Rosenthal.
Dr. H. A. Royster.
Dr. W. I. Royster.
E. E. Sams.
Miss Mary A. Schenck.
S. Brown Shepherd.
Capt. M. O. Sherrill.
Mrs. M. B. Sherwood.
Mrs. M. B. Shipp.
John A. Simpson.

RALEIGH—*Continued.*
Charles Lee Smith.
Ed. Chambers Smith.
Mrs. Ed. Chambers Smith.
Miss Mary Shannon Smith.
J. F. Stanback.
Mrs. J. F. Stanback.
W. E. Stone.
Mrs. E. E. Swindell.
R. H. Sykes.
Mrs. Andrew Syme.
Mrs. M. B. Terrell.
Julian B. Timberlake.
Mrs. M. G. Turner.
Mrs. V. E. Turner.
Miss Mary H. Vann.
Rev. R. T. Vann.
W. W. Vass.
Mrs. W. W. Vass.
Hon. Platt D. Walker.
W. H. Williamson.
Mrs. W. H. Williamson.
Mrs. J. M. Winfree.
R. W. Winston.
W. A. Withers.
Miss Ada V. Womble.
Col. W. P. Wood.
J. R. Young.
Miss S. E. Young.

REIDSVILLE.
Tuesday Afternoon Reading Club.

RICHMOND, VA.
Dr. J. Allison Hodges.
Mrs. H. W. Jackson.
Mrs. E. E. Moffitt.
Henry Litchford.
Rev. W. W. Moore.

RICH SQUARE.
Andrew J. Conner.

ROANOKE RAPIDS.
A. E. Akers.

ROCKINGHAM.
W. R. Coppedge.

ROCKY MOUNT.
Jacob Battle.
Thomas H. Battle.
J. C. Braswell.
Miss Mary L. Johnson.
R. H. Ricks.
F. S. Spruill.

SALISBURY.
A. T. Allen.
W. C. Coughenour.
Mrs. John S. Henderson.
Stahle Linn.
Miss Mamie G. McCubbins.
Mrs. James P. Moore.
Hon. Lee S. Overman.
James H. Ramsey.

SCOTLAND NECK.
N. B. Josey.
Charles J. Shields.

SEATTLE, WASH.
Josiah Collins.

SHELBY.
J. C. Griffin.
Robert L. Ryburn.

SMITHFIELD.
T. J. Lassiter.

SPRAY.
Mrs. B. Frank Mebane.
John M. Morehead.
Mrs. John M. Morehead.

STATESVILLE.
Mrs. D. M. Ansley.
B. F. Long.
D. Matt Thompson.

SOUTHPORT.
C. L. Stevens.
Mrs. C. L. Stevens.

TALLAHASSEE, FLA.
Miss Caroline M. Brevard.

TARBORO.
R. H. Bachman.
Col. J. L. Bridgers.
C. M. Parks.
Mrs. Jacksie D. Thrash.

TIMBERLAKE.
R. B. Holeman.

TOWNESVILLE.
J. M. B. Hunt.

URBANA, ILL.
Mrs. F. L. Stevens.

UNIVERSITY, VA.
Dr. C. Alphonso Smith.

WAKE FOREST.
Francis H. Baldy.
J. Henry Highsmith.
C. C. Pearson.
Miss Helen Poteat.

WAKE FOREST—*Cintinued.*
Dr. Hubert Poteat.
Dr. W. L. Poteat.
Mrs. W. L. Poteat.
Benjamin F. Sledd.

WANANIST.
K. B. Council.

WARRENTON.
John Graham.
Howard F. Jones.
Tasker Polk.

WARSAW.
Mrs. H. Faison Pierce.

WASHINGTON.
Hon. Stephen Bragaw.
J. E. Clark.
Mrs. S. R. Fowle.
Miss Lida T. Rodman.
Hon. J. H. Small.

WASHINGTON, D. C.
Hon. P. P. Claxton.
B. F. Johnson.

WAYNESVILLE.
G. S. Ferguson.

WELDON.
W. E. Daniel.

WHITAKERS.
Dr. R. H. Speight.

WHITSETT.
W. T. Whitsett.

WILLIAMSTON.
Col. Wilson G. Lamb.

WILSON.
Col. J. F. Bruton.
Mrs. J. F. Bruton.
J. Dempsey Bullock.
Hon. H. G. Connor.
Mrs. H. G. Connor.
Charles L. Coon.
Jonas Oettinger.
Mrs. George W. Stanton.
Mrs. F. D. Swindell.
Mrs. F. A. Woodard.
W. F. Woodard.
Mrs. W. F. Woodard.

WILMINGTON.
Edward P. Bailey.
John D. Bellamy.
J. J. Blair.
J. O. Carr.

WILMINGTON—*Continued.*

Mrs. R. L. Cobb.
W. J. Craig.
Mrs. W. M. Creasy.
Thomas W. Davis.
Theo. G. Empie.
H. G. Foard.
Miss Margaret H. Garvey.
Clayton Giles.
B. F. Hall.
Miss Susan E. Hall.
J. G. McCormick.
W. B. McKoy.
Donald McRae.
Miss Lucile W. Murchison.
Eric Norden.
P. Pearsall.
Rev. M. T. Plyler.
Mrs. Richard Price.
George Rountree.
James Sprunt.
W. H. Sprunt.
M. S. Willard.

WINDSOR.

Hon. Francis D. Winston.

WINSTON-SALEM.

Mrs. Henry T. Bahnson.
Henry T. Bahnson.
William A. Blair.
Mrs. M. F. P. Fearington.
Miss Adelaide Fries.
Col. H. E. Fries.
John W. Fries.
James A. Gray, Jr.
Clement Manly.
Mrs. Lindsay Patterson.
W. S. Pfohl.
C. A. Reynolds.
Mrs. R. J. Reynolds.
Mrs. W. N. Reynolds.
J. Hampton Rich.
H. E. Rondthaler.
Rt. Rev. Edward Rondthaler.
Miss C. L. Shaffner.
Mrs. W. O. Spencer.
Wachovia Historical Society.

PROCEEDINGS

OF THE

EIGHTEENTH ANNUAL SESSION

OF THE

State Literary and Historical Association of North Carolina

RALEIGH

November 20-21, 1917

Compiled by

R. D. W. CONNOR

Secretary

RALEIGH
EDWARDS & BROUGHTON PRINTING CO.
STATE PRINTERS
1918

The North Carolina Historical Commission

J. Bryan Grimes, *Chairman*, Raleigh

W. J. Peele, Raleigh

D. H. Hill, Raleigh

Thomas M. Pittman, Henderson

M. C. S. Noble, Chapel Hill

R. D. W. Connor, *Secretary*, Raleigh

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1916-1917

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First Vice-President.....Mrs. Marshall Williams, Faison
Second Vice-President.....T. M. Pittman, Henderson
Third Vice-President.....Mrs. W. N. Reynolds, Winston-Salem
Secretary-Treasurer .....R. D. W. Connor, Raleigh

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(With above officers)

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E. C. Brooks, Durham
F. B. McDowell, Charlotte
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Second Vice-President.....C. C. Pearson, Wake Forest
Third Vice-President.....Miss Carrie Jackson, Pittsboro
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EXECUTIVE COMMITTEE

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Edwin Greenlaw, Chapel Hill
A. L. Brooks, Greensboro
Miss Julia Alexander, Charlotte
Joseph B. Cheshire, Raleigh
Miss Adelaide Fries, Winston-Salem

PURPOSES OF THE STATE LITERARY AND HISTORICAL ASSOCIATION

"The collection, preservation, production, and dissemination of State literature and history;

"The encouragement of public and school libraries;

"The establishment of an historical museum;

"The inculcation of a literary spirit among our people;

"The correction of printed misrepresentations concerning North Carolina; and,

"The engendering of an intelligent, healthy State pride in the rising generations."

ELIGIBILITY TO MEMBERSHIP—MEMBERSHIP DUES

All persons interested in its purposes are invited to become members of the Association. There are two classes of members: "Regular Members," paying one dollar a year, and "Sustaining Members," paying five dollars a year.

RECORD OF THE STATE LITERARY AND HISTORICAL ASSOCIATION

(Organized October, 1900)

Fiscal Years	*Presidents*	*Secretaries*	*Paid-up Membership*
1900-1901	Walter Clark	Alex. J. Feild	150
1901-1902	Henry G. Connor	Alex. J. Feild	139
1902-1903	W. L. Poteat	George S. Fraps	73
1903-1904	C. Alphonso Smith	Clarence Poe	127
1904-1905	Robert W. Winston	Clarence Poe	109
1905-1906	Charles B. Aycock	Clarence Poe	185
1906-1907	W. D. Pruden	Clarence Poe	301
1907-1908	Robert Bingham	Clarence Poe	273
1908-1909	Junius Davis	Clarence Poe	311
1909-1910	Platt D. Walker	Clarence Poe	440
1910-1911	Edward K. Graham	Clarence Poe	425
1911-1912	R. D. W. Connor	Clarence Poe	479
1912-1913	W. P. Few	R. D. W. Connor	476
1913-1914	Archibald Henderson	R. D. W. Connor	435
1914-1915	Clarence Poe	R. D. W. Connor	412
1915-1916	Howard E. Rondthaler	R. D. W. Connor	501
1916-1917	H. A. London	R. D. W. Connor	521
1917-1918	James Sprunt	R. D. W. Connor	453

THE PATTERSON MEMORIAL CUP

The Conditions of Award Officially Set Forth by Mrs. Patterson

---

To the President and Executive Committee of the Literary and Historical Association of North Carolina:

As a memorial to my father, and with a view to stimulating effort among the writers of North Carolina, and to awaken among the people of the State an interest in their own literature, I desire to present to your Society a loving cup upon the following stipulations, which I trust will meet with your approval, and will be found to be just and practicable:

1. The cup will be known as the "William Houston Patterson Memorial Cup."

2. It will be awarded at each annual meeting of your Association for ten successive years, beginning with October, 1905.

3. It will be given to that resident of the State who during the twelve months from September 1st of the previous year to September 1st of the year of the award has displayed, either in prose or poetry, without regard to its length, the greatest excellence and the highest literary skill and genius. The work must be published during the said twelve months, and no manuscript nor any unpublished writings will be considered.

4. The name of the successful competitor will be engraved upon the cup, with the date of award, and it will remain in his possession until October 1st of the following year, when it shall be returned to the Treasurer of the Association, to be by him held in trust until the new award of your annual meeting that month. It will become the permanent possession of the one winning it oftenest during the ten years, provided he shall have won it three times. Should no one, at the expiration of that period, have won it so often, the competition shall continue until that result is reached. The names of only those competitors who shall be living at the time of the final award shall be considered in the permanent disposition of the cup.

5. The Board of Award shall consist of the President of the Literary and Historical Association of North Carolina, who will act as chairman, and of the occupants of the Chairs of English Literature at the University of North Carolina, at Davidson College, at Wake Forest College, and at the State College of Agriculture and Mechanic Arts at Raleigh, and of the Chairs of History at the University of North Carolina and at Trinity College.

6. If any of these gentlemen should decline or be unable to serve, their successors shall be appointed by the remaining members of the Board, and these appointees may act for the whole unexpired term or for a shorter time, as the Board may determine. Notice of the inability of any member to act must be given at the beginning of the year during which he declines to serve, so that there may be a full committee during the entire term of each year.

7. The publication of a member of the Board will be considered and passed upon in the same manner as that of any other writer.

MRS. J. LINDSAY PATTERSON.

SUPPLEMENTARY RESOLUTION

According to a resolution adopted at the 1908 session of the Literary and Historical Association, it is also provided that no author desiring to have his work considered in connection with the award of the cup shall communicate with any member of the committee, either personally or through a representative. Books or other publications to be considered, together with any communications regarding them, must be sent to the Secretary of the Association and by him presented to the chairman of the committee for consideration.

AWARDS OF THE PATTERSON MEMORIAL CUP

1905—John Charles McNeill, for poems later reprinted in book form as "Songs, Merry and Sad."
1906—Edwin Mims, for "Life of Sidney Lanier."
1907—Kemp Plummer Battle, for "History of the University of North Carolina."
1908—Samuel A'Court Ashe, for "History of North Carolina."
1909—Clarence Poe, for "A Southerner in Europe."
1910—R. D. W. Connor, for "Cornelius Harnett: An Essay in North Carolina History."
1911—Archibald Henderson, for "George Bernard Shaw: His Life and Works."
1912—Clarence Poe, for "Where Half the World is Waking Up."
1913—Horace Kephart, for "Our Southern Highlanders."
1914—J. G. deR. Hamilton, for "Reconstruction in North Carolina."
1915—William Louis Poteat, for "The New Peace."
1916—No award.
1917—Mrs. Olive Tilford Dargan, for "The Cycle's Rim."

WHAT THE ASSOCIATION HAS ACCOMPLISHED FOR THE STATE—SUCCESSFUL MOVEMENTS INAUGURATED BY IT

1. Rural libraries.
2. "North Carolina Day" in the schools.
3. The North Carolina Historical Commission.
4. Vance statue in Statuary Hall.
5. Fire-proof State Library Building and Hall of Records.
6. Civil War battle-fields marked to show North Carolina's record.
7. North Carolina's war record defended and war claims vindicated.
8. Patterson Memorial Cup.

STATE ART COMMISSION

At the session of the Association in 1915 a committee was appointed to report to the session of 1916 on the advisability of the State's creating a State Art Commission. The committee reported the proposal favorably, and submitted a proposed bill for that purpose. This bill was approved by the Association. It was introduced in the General Assembly of 1917, but failed of passage. It will again be introduced in 1919. In the meantime the Literary and Historical Association will undertake to create sufficient sentiment for the measure to insure its success.

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Proceedings and Addresses of the State Literary and Historical Association of North Carolina

MINUTES OF THE EIGHTEENTH SESSION

RALEIGH, NOVEMBER 20-21, 1917

Tuesday Evening, November 20th

The Eighteenth Annual Session of the State Literary and Historical Association of North Carolina was called to order in the auditorium of Meredith College, Raleigh, N. C., Tuesday evening, November 20, 1917, at 8:30 o'clock, with President London in the chair. After a few opening remarks congratulating the Association upon its successful work in the past, President London presented Dr. D. H. Hill, who delivered an address on "Historical Parallels." Following Dr. Hill's address, Dr. Paul B. Barringer read an interesting paper on "The Influence of Peculiar Conditions in the Early History of North Carolina." At the conclusion of Dr. Barringer's paper the Secretary of the Association announced the award of the Patterson Memorial Cup for the year, as follows:

A year ago, when it was announced from this platform that the Patterson Memorial Cup Committee had not found any literary production by a resident of North Carolina to the author of which it could award the cup for the year 1916, there was a distinct feeling of disappointment on the part of the members of this Association. This year the committee has found no such difficulty. Its difficulty has been in arriving at a decision between several works of more than usual merit. It is interesting to know that after a lapse of a decade since the honor was conferred on the lamented John Charles McNeill for poems later reprinted in book form as "Songs Merry and Sad," during which time history and biography have held the field, poetry again comes forward to claim its own. It is an even more interesting fact that for the first time since a generous impulse inspired a noble North Carolina woman to establish this beautiful memorial, the honor has been won by a woman. In behalf of the committee, I announce the award of the Patterson Memorial Cup for the year 1917-18 to Olive Tilford Dargan for her volume of sonnets published under the title of "The Cycle's Rim."

Mrs. Dargan's work has attracted wide and favorable notice from the critics of the country, and recently it was awarded the New York Southern Society's prize of $500, as the best literary work published by a Southerner

during the past year. In connection with this award, the *New York Times* Book Review published the following biographical information relative to Mrs. Dargan:

"Mrs. Olive Tilford Dargan was born in Crayson County, Kentucky, the daughter of Elisha Francis and Rebecca Tilford. She went to the public schools of the district, in which her father and mother were continuously teachers, until she was ten years old. Then, with her parents, she moved to the town of Doniphan, Mo., where she remained for four years. At the age of fourteen she became a teacher in the backwoods of Arkansas. When she was eighteen years old her mother died, and with her father, who was an invalid, she returned to Kentucky. She soon after obtained a Peabody scholarship, which took her to the University of Nashville, Tenn. Two years later she was graduated from that institution, and went back to teaching in Missouri and also in Texas. She spent the year 1894 at Radcliffe College, Cambridge, Mass., in the study of English and philosophy. After leaving college she taught at the Acadia Seminary at Wolfville, Nova Scotia, and later worked as a stenographer in Boston until her marriage to Pegram Dargan of South Carolina, whom she had met as a student at Harvard while she was at Radcliffe. The literary work which won for her the prize offered by the New York Southern Society is a volume of sonnets, 'The Cycle's Rim,' which is published by Charles Scribner's Sons. Her other publications are 'Semiramis and Other Plays,' 'Lords and Lovers, and Other Dramas,' 'The Mortal Gods,' and 'The Path Flamer and Other Verses.' She has also been a frequent contributor to the magazines. Her home is at Almond, N. C."

In a letter to the Secretary of the State Literary and Historical Association expressing her regret that she was unable to attend this session and receive her award in person, Mrs. Dargan wrote:

"To my deep regret, I must say that I cannot be with you. My want of health makes it temporarily necessary for me to forego all social activity. I should particularly prize the privilege of meeting so many interesting compatriots, and trust that time and circumstances will not always be so tyrannical with me. . . .

"My adopted State is dear to me, and there will never come a day when my heart will not stir proudly over any honor touching her. It was love of beauty that led me, twelve years ago, to her mountains and filled me with the desire to make my home there. And though that home has had only partial realization, it still has a lovely and complete existence in my dreams. I enclose copy of a poem published in the October *Bookman* which commemorates a beloved spot within Carolina's borders."

The poem referred to is entitled "Fatherland"; a copy autographed by Mrs. Dargan is preserved in the North Carolina authors' case in the Hall of History.

The musical program of the evening was rendered by Mrs. E. M. Hall, Miss Helen Marie Day, and Mr. J. P. Brawley.

An interesting additional feature to the program as published was an address by Mr. A. C. McClure on "Obstacles to Peace."

WEDNESDAY MORNING, NOVEMBER 21ST

The Association was called to order in the hall of the House of Representatives by President London, at 10 o'clock. The President presented Dr. Edgar W. Knight, Superintendent of the Public Schools of Wake County, who read a paper on "The Influence of the Civil War on Public Education in North Carolina." Dr. Knight was followed by

Dr. William H. Glasson of Trinity College, who presented a paper on "The South's Pension and Relief Provisions for the Soldiers of the Confederacy." Mr. E. Vernon Howell, of the University of North Carolina, followed Dr. Glasson with a paper entitled "Medical and Pharmaceutical Conditions in the Confederacy." Following these papers were reports on the work of the North Carolina Historical Commission during the past year, by R. D. W. Connor, Secretary; the work of the North Carolina State Library, by A. J. Feild, State Librarian; the work of the North Carolina State Library Commission, by Mrs. E. R. Blanton, Secretary.

The President appointed a nominating committee consisting of Messrs. R. B. Drane, J. Bryan Grimes, A. J. Feild, Mrs. Marshall Williams, and Miss Mary Shannon Smith.

Wednesday Afternoon, November 21st

The session was called to order by Major London in the hall of the House of Representatives at 3 o'clock. Papers were presented as follows: "Raising, Organization, and Equipment of North Carolina's Troops During the Civil War," by Chief Justice Walter Clark; "North Carolina Bibliography, 1916-17," by Mrs. E. R. Blanton, Secretary of the North Carolina State Library Commission.

The following resolutions were offered and adopted:

Resolved, That the President of the State Literary and Historical Association be authorized to appoint a committee from the Association to attend the unveiling of the markers to Generals Stephen D. Ramseur and J. Johnston Pettigrew near Winchester, Va., which are to be erected by the North Carolina Historical Commission and the North Carolina Division of United Daughters of the Confederacy.

Resolved, That a committee of three be appointed to select a suitable design to be worn by members of the State Literary and Historical Association during their annual sessions.

Resolved, That a committee of five be appointed by the President to petition the General Assembly of 1919 for an increase in the annual appropriation to the State Library for the purchase of books from $500 to $1,500.

Resolved, That the Secretary be instructed to express to the authorities of Meredith College the thanks of the members of the State Literary and Historical Association for the use of their auditorium and for their numerous courtesies extended to the Association.

The Nominating Committee returned the following nominations for the year 1917-18: James Sprunt, President; Miss Mary O. Graham, First Vice-President; C. C. Pearson, Second Vice-President; Miss Carrie Jackson, Third Vice-President; R. D. W. Connor, Secretary-Treasurer.

The report of the Nominating Committee was unanimously adopted.

WEDNESDAY EVENING, NOVEMBER 21ST

President London called the Association to order at 8:30 o'clock in the auditorium of Meredith College. Following a violin solo by Miss Charlotte Ruegger, accompanied by Miss Helen Marie Day, President Rondthaler presented Dr. Gaillard Hunt, who read a paper on "Reminiscences of the Secretaries of State." After Dr. Hunt's address the Association adjourned *sine die.*

Following the adjournment, a reception was tendered the Association and their guests at the Governor's Mansion.

ADDRESSES

The Influence of Peculiar Conditions in the Early History of North Carolina

By Paul B. Barringer

If the United States has been "the world's melting-pot," the Old North State has been its southeast corner, proverbially the hottest point, for she furnishes the best melted and most homogenous alloy in the crucible. With well over two millions of people, the census gives her less than 1 per cent of foreign born—less than any other State, and making her the largest homogenous body of English-speaking people on this continent. This fact, at one time noted merely as an item of curiosity in the census reports, now assumes decided importance, as an ideal condition, a status to be striven for, an example to be followed. In this our day of great national trial and danger, if it could be said of every State in this Union that it contained over 99 per cent of native-born Americans, how our problems would be simplified, our anxiety relieved, and the completion of our task assured! To those familiar with the peculiar early history of North Carolina and with the heterogeneous racial elements that originally went into this pot, the final alloy is indeed a marvel. I know of no other subject in American history that presents so wide a range of causes or one of more interest. Throughout it all, however, one thing stands out: it was stress rather than time that was the blending agent, for while the first attempt at a settlement in the eastern United States was made here, the State was among the very last to be really settled. The reasons for this long delay in settlement, and the other conditions which have so thoroughly blended her composite early population and the results upon the State today, will be the aim of this paper.

We all know now that, measured in terms of modern commerce, North Carolina has been endowed by nature with few or none of the things that make for commercial supremacy. She was given neither coal nor iron, oil nor gas, no great special staple, no open roadstead to foster commerce, and no neighbors sufficiently rich and populous to give either a great market or a large unearned increment through mere propinquity. Providence put her at the right place on the map, gave her a fair soil, a good climate, and a proper rainfall, a small specimen of nearly everything on earth, and then—quit. It has long been our boast that North Caro-

lina could fill out more blanks in the census reports than any other state; and no doubt she can, but if she wants any of the real essentials, in commercial quantities, she has to import them. She has of recent years gone quite largely into spinning—and she has to import cotton for that. The plain truth is, that North Carolina's one great gift, from Providence, has been her people—the exceptionally high quality of her original settlers and the unbroken adversity, for years, that taught them to make the most of their opportunities. She has won success along many lines, but in no instance has this been due to a monopoly of raw material, or other natural resources, so much as to the energy and resourcefulness of her native-born sons.

In spite of the uniformity of type now existing in North Carolina, the first settlers of that State were not of one race, but represented all the colonizing races of that date. That which has happened to the northern and western states of the United States in the last half-century happened in North Carolina in the very beginning of her history; and few states have had as large a percentage of foreigners as North Carolina had in the earlier years of the eighteenth century. Almost every dominant race in Europe gave its share, but there was none of the Mediterranean blood that has marked our immigration tide in recent years. There were the Virginia English that came down the Chowan, the scattered remnants of the New England and Barbadoes English that at one time sojourned on the lower Cape Fear, and between these widely separated English settlements were a small colony of French on the Pamlico, colonies of Swiss and Palatine Germans on the Neuse and Trent, both highland and lowland Scotch on the upper Cape Fear, and a large colony of German Moravians on the hills of Forsyth. From the date of the first settler's deed on the Chowan (1653) to the Moravian settlement at Wachovia (1753) was just one hundred years, and since that date, i. e., for over one hundred and fifty years, North Carolina has grown almost solely by internal multiplication.

These early settlers had but two things in common. Although we find them here on a flat coastal plain, all were originally of mountain stock, and they nearly all came to this wilderness because of fixed objections to the status of political and religious freedom at home—that is, they came from moral conviction. They wanted liberty of thought and action earnestly enough to risk the dangers of the sea and the wilderness, and to accept an environment utterly at variance with their racial traditions, to obtain it. Each sought his ideal of liberty, and as their ideas differed, they naturally had to fight it out, and this gave a reputation for turbulence that was really unwarranted. Saxon, Teuton, and Celt—all fighting stock, they strove within themselves for a common end, and

in time they worked it out. Bancroft, with the broad training of the best European universities, saw in this struggle a wonderful example of man's inherent capacity for self-government, while Fiske, never out of the shadow of the old New England theocratic traditions, saw only the struggle, and not the end aimed for, and deemed it mere disorder, rebellion against the established order.

Up to the time of the transfer to the crown (1729), the foreign element could not have been less than a third of the whole, yet the Saxon powers of absorption, so manifest in the country later, were there then in full force. It is a singular fact that not one trace of Roman law or of continental procedure is to be found in the early laws of North Carolina. They absorbed and transformed even the names of the foreign element, and the marks they put upon them will abide for all time. But a century or more has passed, and even now it taxes the philologist to tell what these names really were.

While the lack of coal, iron, etc., is of course felt today, their lack was not felt then. North Carolina was considered as rich a state as any, and this but adds to the mystery of nonsettlement. With the glowing accounts of this region by Amidas, Hariot, etc., in circulation in Europe, with colonists sailing daily for Virginia, Maryland, New York, Connecticut, Rhode Island, and Massachusetts, why was it nearly one hundred years before a single permanent settler was landed by ship on this coast, the "paradise" of 1585? In the twenty years following the settlement of Jamestown, nearly ten thousand colonists passed into Chesapeake Bay, not forty leagues to the north, yet not one ship landed a passenger on this coast. In 1660, seventy-five-years after White's colony had been lost, some ships from New England sailed up the Cape Fear and landed a colony on the south bank, but in three years they were gone. Again, in 1664, a colony from the English settlements in Barbadoes moved to this river and found nothing of the old colony, except their cattle, and several hundred settlers took up the river front for many miles, and yet in three years they also had departed. When the final settlement of this river was made, in 1731, it was made by men who came from the south, sixty-five years after the first attempt. In fact, all the coastal rivers of North Carolina were of so little use that, although the settlements were made on their banks, they were settled from above down, instead of from the coast up, as in every other colony. More strange still, colonists leaving Europe for these shores, as the Swiss and Palatines, came first to Virginia and then by a toilsome overland journey, back almost to within sight of the sea they had sailed. I have no doubt this strange fact has interested others besides myself, yet I have never seen an attempt at an explanation.

I have always looked upon it as in some way connected with this coast, but I find many causes, and some of them quite far removed from this coast.

In 1498, less than ten years after Columbus discovered America, a mariner, Sebastian Cabot, sailing under the flag of England, is stated to have sailed down the Carolina coast, "to Florida." I say "stated" because, while the patent for this voyage is on record (given by Hakluyt), no log has ever been found, and the meager reports are much at variance. Francis Lopez de Gomara, a Spaniard, in his history of the West Indies says that Cabot traversed the coast from up in latitude "56° and better" down to "38°." As 38° is about the latitude of the Virginia capes, it could hardly be our Florida. Peter Martyr of England, who most ostentatiously claimed Cabot as "his very friend," says he went down to Cuba, but quotes him as saying that he saw the natives wearing skins and the bears catching fish out of the rivers, which does not sound much like our Cuba. We shall refer to Cabot again in this same connection, but for the present I will only say that he seems to have discussed with Martyr the Gulf Stream as he found it in his "Florida." He intimates that it was not as large as the Spaniards had reported it, and then makes the mental query whether its waters were "driven about the globe of the earth by the movement and impulsion of the heavens" or whether they were "swallowed and cast up again by the breathing of Demogorgon, as some have supposed." It looks as if the first was the belief of the quarter-deck and the last was "supposed" in the forecastle. Whether Cabot went to Cuba or not, this soliloquy proves that sailors were even at this early date (1498) already beginning to ponder that mighty force which they were soon to use, with fear and trembling, to aid their puny sails.

In these days of a Pedagogue President, it is a pleasure to refer to any broad-minded teacher, and especially to one like Richard Hakluyt, lecturer on Geography at Oxford. I believe he, more than any one else, was responsible for the turning of Sir Walter Raleigh's thoughts to the south and the cessation of northern exploration. As early as 1582 he brought out the first issue of his work on American exploration, entitled "Divers Voyages Touching the Discovery of America." As his friend and intimate, Raleigh doubtless saw the proofs, or got the very first copies, for in two years after the issue of this work the drift of thought was turned mainly to the south. A large part of Hakluyt's work was the translation, into English, of authentic records of Spanish, Portugese, and French voyages, especially, to Florida, as this whole lower coast was then called. The following extract, from a later preface, has a neo-teutonic touch that we would hardly expect from an Englishman:

"Moreover, because since our wars with Spaine, by the taking of their ships and the sacking of their townes and cities, most of their secrets of the West Indies, and every part thereof, are fallen into our people's hands (which in former times were for the most part unknown to us), I have used the uttermost of my best endeavor to get and, having gotten, to translate out of Spanish, and . . . publish such secrets of theirs as may in any way availe and annoy them." This sounds as if it had come from middle Europe quite recently.

It is certain that both Spanish and French records, of undoubted accuracy, existed for explorations of the Florida coast up as far as latitude 32°; but none came higher, and if Cabot turned east at 38°, off the coast of Virginia, as Peter Martyr states, then the first expedition of Raleigh, under Amidas and Barlowe, touched virgin soil in fact. I have at times wondered if it was not in part the knowledge that this was really virgin land, in spite of her necessary endorsement of Cabot's claims, that prompted this virgin queen, of fifty, to call this land Virginia. The belated endorsement of Cabot, the title of "Grand Pilot of England," and the pension, all fifty years after the event, looks as if some claim of England needed bolstering.

The mystery of the failure to explore this coast is deepened when we consider the fact that years before the Roanoke exploration, as early as 1577, full three hundred ships touched, annually, on the New Foundland shores, for bait and fish, while an equal distance to the south a constant stream of ships passed back and forth from permanent settlements to Spain; between them, in a temperate clime, was a veritable *terra incognita,* or shall we put it, terror incognita?

When Sir Walter Raleigh started his experienced and courageous captains, Amidas and Barlowe, for this unknown land in 1584, they chose the southern or "Spanish route," just as we would expect them to do if they were basing the expedition on knowledge derived from Spanish sources. They left England the 27th of April, reached the Canaries the 10th of May, and from this point set sail with the "trades" for the "West Indies," which they reached the 10th of June. The target at which they aimed, the West Indies, could not be missed, for it was twenty degrees wide, and it was customary for the Spaniards to try and strike Dominica, about the middle of the group, and go up with the aid of the Gulf Stream. Without the loss of the trades, they could have made the north coast of Cuba, as Amidas saw later, but he had been warned of the Gulf Stream, for he says: "keeping a more southeasterly course than was needful, because we doubted that the current of the Bay of Mexico, disbogging between the Cape of Florida and Havana, had been of greater force than we afterwards found it to be." They rested on one of these islands, and

then, taking the Yucatan current, which often moves as high as 120 miles per day, they passed out between Havana and Florida and turned with the stream up the Atlantic coast, saw land on the 4th of July, and landed just inside Ocracoke Inlet on the 13th of that month, 57 days out. They made a wonderfully good survey of the sounds up as far as Roanoke Island, learned much of the country, and then sailing direct to England, reached home the 15th of September following. Their return journey was not quite 3,500 miles, while their outbound voyage could not have been less than 6,500. We have seen, in the quotation above, that Amidas was following a prescribed route on this first voyage, and we can understand the reasons for this route the first time; but why it continued to be followed for over fifty years, both for Roanoke and Jamestown, was at first a mystery. That it was thought necessary was manifest. No sensible captain would take a route that would use up double the rations and water, expose his crew to scurvey and his ships to capture, by the enemy frequenting this route, if it could have been avoided. As we shall see, it was not a question of vogue.

The result of this first voyage was another in less than a year. This, the Lane expedition, sailed April 9, 1585, and reached Carolina on the 28th of June, after a voyage of 66 days, because they also took the southern route. As you know, they remained in Carolina about one year, and then, all agreeing that "the very hand of God was stretched out to take them from that place," they hurriedly sailed, and landed in England the "latter part of the next month," which means the direct route. Their log is a record of arduous labor and constant hunger, punctuated by unexpected storms. The next expedition—the supply expedition for Lane, that came too late—came too late only because it also took the southern route. The ill-fated expedition of White also took this route, and so did every one of the six or more expeditions for the succor and return of his colonists. Further, all the early expeditions of colonization, and supply, for Jamestown took this route, and even Gosnold, who had made a trip to Cape Cod, direct in 1602, by sailing due west, in 49 days, always took the southern route when going to Jamestown.

It is usually believed that the loss of White's colony was due to the disturbances found in England on his return, to the threat of the Spanish Armada. Against this must be set the fact that within less than a year after he left them White was able to start two small vessels to their relief, and while the records about this expedition are not very clear, one thing is clear, and that is that the crews of these vessels did not want to go to Roanoke Island. The second expedition of relief, with Governor White himself in charge, could not be made to stay at Roanoke Island after getting there safe and sound. White the soldier, scholar, and artist, had

left both a daughter and a granddaughter on these wild shores, and yet after a relatively brief examination of the island and contiguous shores, being subjected to continued storm and mishap, he soon agreed with the pleading crew to go back to the Indies to refit and come again; but they went straight to England. Another expedition, of entirely new men, came, cruised along the coast, well south, and never even landed. The next came over, passed around Hatteras, "far out," and landed, to have some men killed by the Indians, and they in turn turned tail and fled. Surely there was something uncanny, and mysterious, in all this—this fear in English seamen who had hitherto dared venture anywhere, in a cockle-shell. It must be recalled also that the spirit of Britain was high; these men had just defeated the Invincible Armada, and under Hawkins, Drake, and Shirley they had harried the Spanish main, just to the south, for years. The real mystery of the lost colony lies in the fact that men could not be gotten to look for them.

If we will turn back a little, to the time of White's outward voyage, we will find that this unusual fear existed even then. While the colonists under Lane described the island on arrival as a "Paradise," they left it thoroughly frightened, and unfortunately the White expedition contained some of the seamen who had been with Amidas, and some with Lane, and one certainly who had been with both. While the White expedition was on its way up the coast one of his captains, who had been on both previous expeditions, deliberately tried to wreck his ship, off the Cape Fear, rather than approach nearer to the dreaded Hatteras. Further, as Raleigh had learned of the open haven of Chesapeake Bay, only some forty leagues to the north, the White colony was bound for that point and not for Roanoke, merely going by Roanoke to pick up the fifteen men left there by Grenville, to hold the soil for the Queen. Upon arrival at Roanoke, however, this same captain conspired with passengers, officers and crew, to force the Governor to locate there and go no further, which he finally agreed to do, as it "booted" him not to contend with them. It has been charged that Fernando was, as a Spaniard, averse to an English settlement here, but as he had come as a member of three expeditions, this claim seems to lack substance.

If we will turn aside for a while to consider what the patent lawyers harp upon as "the state of the art at the time," and analyze the art of navigation then existing, I think a good deal of light will be shed on these Eastern Carolina problems. The heaviest ships in the Spanish Armada were 700 tons, the best English frigates were not over 500 tons, while the ships used in such work as exploration ranged from 50 to at most 200 tons. While the English ships had better lines, and were better rigged, than the Spanish, even they were so poorly designed that 5 knots

was their limit with anything short of a gale, and 3½ to 4 knots was fair sailing. Their instruments of precision were almost as bad as the ships. The compass used was accurate enough, but so poorly understood that in the disposal of anchors, cable, and metal parts of cargo it was often rendered unreliable. The sextant, for the determination of latitude, was extremely good for its looks, and some wonderful work was done with this crude-looking instrument. The chief lack was some method of determining longitude, an absolute essential to safe east and west sailing, and, practically speaking, it did not exist. It was more than a hundred years after the settlement of Jamestown, in the days of Queen Anne, before the great prize of twenty thousand pounds for a practical chronometer was offered, and it was not till the time of George III. that it was won. Till nearly the end of that time all east and west sailing was done by coasting, or else estimating a departure by dead reckoning, and this was one of the main reasons for the long southern route. They could coast down the western Atlantic, to the Canaries, then with a steady constant trade wind, in an ocean free from currents, they could lay for the West Indies, ranged across the line of sight for hundreds of miles, pick up any one of them, and find out where they were, and then coast to their destination. It was plain sailing.

But there was another influence that prescribed the course of the mariner of that day. I have referred to the Yucatan Current, the origin of the Gulf Stream that passes up our Atlantic coast, how it attained a speed of 120 miles per day and how it was used on the southern route to improve progress. For the same reason such a current will, of course, impede progress if one is called upon to go against it, and this was one of the things that so long handicapped our Carolina coast. The Gulf Stream, after turning the point of Florida, makes up the coast with an average speed of five miles an hour; at Hatteras it still has a speed of three miles an hour, and after making the turn out into the broad Atlantic its influence is not lost; the "drift" is still one and a half miles an hour, south of the banks of New Foundland, and even perceptible off the east coast of England. As we saw, Gosnold, who cut through the northern limits of it, was forty-nine days in making the coast of New England, on a 2,800 mile route, while the average time back to England, over a 3,500 mile route, with the stream, was about thirty days. A voyage to Carolina direct, against the stream, was practically impossible with any four-knot ship, and, for lack of any measure of longitude, one could never know whether they were progressing or slipping back. Mariners would take the long southern route in preference.

The first visitors from Barbadoes who came up to inspect the Cape Fear, with an idea to settlement, were much alarmed when in a storm

they were driven off the coast and found themselves "driven by the rapidity of a strong current to Hatteras." It was the Gulf Stream that drew them to Hatteras, and it was this same invisible current of the Atlantic coast that spread terror in the forecastle, when it upset reckonings, or gave unexpected leeway towards a dreaded coast. In my opinion, it was Hatteras, the far-flung headland into the stormy Atlantic, the meeting place of cold arctic and warm gulf waters, the place of rendezvous for fog, storm, and treacherous current, that frightened every mariner that tried to make port, in those days, on the Carolina coast. Steam has robbed it of its terrors, and Maury of its mystery; but its influence on the history of this State can never be forgotten. It was the fear of this storm center and its uncanny powers, as measured by the ships of that day, that left White's colony to slow extinction, that drove the early colonies from the banks of the Cape Fear and sent the European colonists to Virginia and then back, almost to within sound of its breakers. It was a great handicap. It forced a long delay in settlement and a slow development of the State, without commerce and without new blood; but it brought its reward. In this day of the supremacy of the mechanic arts, we may, I think, thank the mythical Demogorgon of Hatteras that North Carolina is a manufacturing state. Their isolation forced upon the trained artisans of her continental contingent the development of new domestic industries and gave initiative, adaptability, and self-reliance to a receptive people.

There is very decided evidence to show that the terrors of Hatteras were supplemented by no little political influence, making safe against the contingency of a defeat by Spain. It seems certain that the determination to drop the Carolina coast colonization, and center on Chesapeake Bay, was dictated more or less by political reasons. I have referred to the fact that White was directed by Sir Walter Raleigh to carry his colony to the Chesapeake, but failed to do so because he could not get his crews to go. It is sometimes stated that Lane's men discovered this great bay, but no record of such a voyage of discovery is mentioned by either Lane or Hariot. Indian tales of a big river to the north, to be reached by going up the Chowan, were heard by Lane's men, but all seems to have been taken with much salt, and yet when the final permanent colony was outfitted it was ordered to the Chesapeake. In 1586 our old friend Richard Hakluyt was in Paris, seemingly engaged in his never-ending search for "secrets" from the Spanish. On December 30, 1586, while Lane was still in Carolina, when he saw that an open rupture with Spain could not be longer averted, he wrote from Paris to Sir Walter Raleigh as follows: "If you proceed, which I long much to know, in your enterprise of Virginia, your best planting will be about the Bay of the Thes-

pians (Chestepians or Chesapeake), to which latitude Peter Martyr and Franciscus Lopez de Gomara, the Spaniard, confess that one Gabot (Cabot) and the English did first discover; which the Spaniards hereafter cannot deny us, whensoever we shall be at peace with them." I found this letter a short while since in Vol. I, page 18, of Brown's "Genesis of the United States," where he copies it from the Calendar of the Clarendon Papers at Oxford. I can find no further reference to this suggestion of Hakluyt's, but none is needed. War was coming on, the Roanoke Island settlement of Lane was on "virgin soil," and, therefore, disputed soil, if Spain won it would be much harder to uphold a claim of this kind than one based on Cabot's well attested "down to 38°." Old Cabot mistook the mouth of the Chesapeake for the Florida channel, and found the outflow of the tide weaker than he had expected; but the sextant read 38° at high noon, and the claim would hold; so Raleigh told White to go to the Chesapeake. What more natural and what less proven? As the Spanish war lasted till 1605, it may be that political forces were behind the other trials that White had to face in getting aid for his lost colony.

But other elements in nature, besides Hatteras and the Gulf Stream, furnished conditions adverse to the early settlement of eastern Carolina. I refer to the broken character of her coastal plain and the peculiar coast line with its fringe of narrow bars and shallow shifting inlets. A study of the geological history of our middle Atlantic coast shows it to be steadily sinking—a constant subsidence, on the Virginia and North Carolina coast, that more than keeps pace with the sedimentary output of their rivers, and prevents the upbuilding of a firm and solid coastal plain. In Virginia the wide drainage area of her rivers, from the valley of the Susquehanna to that of the James, is so great that they are able to keep an outlet to the sea always open. But as the streams that open on the inland waters of North Carolina—the Chowan, Roanoke, Pamlico, and Neuse—are in their aggregate discharge much smaller, they are not strong enough to break wide the bars, and only precarious inlets exist, influenced by every storm. These inlets were used from the very earliest days of the Albemarle settlements, but the trade was not only small, but uncertain, and I know of no better way to accent the paucity of maritime commerce on these shores than to recall the stir made over one of these ships, and the fact that the colonists were willing to lock up a Governor rather than forego a ship. In what other American colony was the going or coming of a ship of such importance? Commerce among themselves by inland waterways, while easy enough, was largely barred by the fact that their products were of such a similar nature.

The passage of the Royal Navigation Act, of Charles II., was just about coincident with the arrival of the first settlers on the Chowan, and the eye of authority was not open to their trade, with New England and Barbadoes, for some time; but when this act was really applied it practically broke up the maritime trade on the Carolina coast. A few ships a year that brought whatever of luxuries the well-to-do could afford, and the necessities, like powder, lead, etc., for the people, were all that would come in, after the New England trade was curtailed by the prohibition of direct trade between the colonies. This canker, of prolonged injustice in trade, made a fine seedbed for the growing spirit of political independence.

Very few people seem to appreciate fully the part played by our American Indian in the formation of our national character. With no wild beasts or serpents of any great potency in our forests, had it not been for the Indian our first settlers would simply have wandered at will over the land, picking out for settlement only the choice spots. They would naturally have drawn around them men of their own kind and speech, and in the place of one homogenous people, such as we see, we would have had a land sprinkled with petty offshoots of the then existing European monarchies, with their traditional enmities in full play. Imagine, if you can, the state of eastern North Carolina with its polyglot tongues and exotic feuds. But the red man prevented all this; he was the fuel of the early melting-pot. He was a savage, but a man for all that, and the American race is what it is chiefly because he forced it to line up and fight, shoulder to shoulder, from coast to coast, a ceaseless, ever-advancing firing line. In this line were many races of white men, and many a tribe of Indians, and it is one of my conceits that the ultimate manhood of the people in any section of that line was largely dependent upon the prowess of the Indian they faced. Judged by this standard, the people of eastern North Carolina had good training, for the Indians of that State were foes of unusual prowess and stamina.

Roughly speaking, the Indians of the Carolinas were of three races: the Tuscaroras and the Creeks on the seaboard and the Cherokees in the west. While each consisted of dozens and scores of sub-tribes, the racial traits held fairly true. The six great Indian nations of the Canadian boundary were migratory to the extent that they made it a rule to come south each winter and prey upon the less warlike races of the south. One of these fighting tribes coming south had chosen to remain—the warlike Tuscaroras—and these were the savages that faced the infant colony on the Chowan. Amongst both Indians and whites they were the terror of the south Atlantic coast. It will be recalled that trouble began at Roanoke Island quite early. The Lane expedition killed a

dozen or more, the Grenville men had a fight to a finish, and White had hardly landed when Howe was killed. From that time on the pressure was uninterrupted and firm. The whites managed to keep them, as a rule, above the mouths of the three great rivers, and the lines were clearly drawn. A great bow was thrown around the Carolina colonies, and it was a line seldom crossed. On the whole American frontier, from New Hampshire to Georgia, the white man's line was thinner in North Carolina for the first hundred years after her settlement than at any place on the Atlantic coast, and they faced an Indian second to none, the Tuscarora. But patiently, steadfastly, and boldly they carried the firing line west under the most onerous conditions.

These are, in my opinion, the essential features in the early history of North Carolina that have had a part in shaping the character and the ultimate destiny of its people. Although they were on a vast continent, for many decades they were marooned, by the forces of nature and savage foes, as effectively as if on some island of the sea. They were mountain bred, and they had to adjust themselves to a new and, naturally, uncongenial environment—the lowlands of a coastal plain. Cut off from practically all foreign commerce, by the nature of their coast, and a well-founded fear of its menacing headland, they had to develop a system of domestic manufactures to give them the comforts of civilization. To the ethnologist it has been the field of a great natural experiment. Here the now dominant races of Europe have been blended without the mixture of Mediterranean blood that permeates the north and west. Here we can find a blend of Saxon, Teuton, and Celt, and these alone.

But North Carolina, like the rest of the South, has had another cause for immobility of population. Men from outside the South constantly wonder that we can so often place a man, even to his original county, when we hear his name. This is impossible with them, and it is possible with us merely because many of our families have not moved out of a circle of fifty miles in a hundred and fifty years. A large number from these families have, of course, gone out to build up other states; but even they have carried the home-land idea with them, and they remain "down-homers" to the end of their days. The origin of this stationary family habit in the South has been much discussed, but it seems to me perfectly plain. It is not merely a local peculiarity; it had a local reason. The Indian was not the only inferior race that had a hand in shaping the white man of this country; the negro also has played a part. The reason for the fixity of families in North Carolina, and other parts of the South, was because some son or sons of the family were given land, near the home place, in order to prevent the breaking up of the negro families. The custom was so universal that we forgot the cause, but you will all

recall that it was the slave-owning (the "better") class that stood fast. Moreover, the oldest son of the group, in the home county, was always looked upon as more or less the head of the clan, and his house the home place. This custom gave to the South, of that day, the practical results of a law of primogeniture, and it greatly intensified the home-loving spirit. The insular instincts of the settlers of eastern North Carolina, born of nearly a century of enforced home life, plus the localizing influence of our late unlamented "peculiar institution," has given the State an intensely home-loving people. Should the old State ever adopt an emblem, I would suggest as extremely fitting, the homing pigeon. With these birds the long confinement to a locality, the loft, has given them a strong home instinct, like that of man under similar conditions.

In conclusion, the ideals begotten during the colonial period, in eastern North Carolina, influence the sentiment of the whole State to this day, for the scepter of political control did not pass from the east till long after the formative period was past. The patriarchal system of family government, the wholesome and wholesale respect for the simple life, and horror of all pretence, all came with the firing line from the east. The very fires that afterwards burst into flame in Alamance, and Mecklenburg, had long smouldered on the Chowan; but the spark came with the colonists from distant lands where the flint of injustice had struck hard upon hearts of steel.

Reminiscences of the Secretaries of State

BY GAILLARD HUNT

The French humorist, Edmond About, the man who wrote *The Notary's Nose* and *The Man With the Broken Ear,* somewhere defines diplomacy as the art of tying one's cravat; but Napoleon Bonaparte used to say that a man was a good diplomat according as he lied well. The two views are not inconsistent and, combined, would give us as the perfect diplomat the most skilful and the best dressed liar. But into these Old World ideas of diplomacy we have interjected some definitions of our own. America claims to have created the "shirt-sleeve diplomat," who does not learn the art of tying his cravat because he does not wear a cravat, and whose notions of lying are coarse and primitive, being derived from buying and selling horses. John Adams, in the beginning of our independent existence, gave us another variety. He said he was in favor of our having militia diplomats—volunteers, as it were, who were not drilled in regular tactics and could win victories because they were untrammeled by the rules of diplomatic warfare. Then, jumping over the intervening years, recently we invented something very, very modern and called it "dollar diplomacy." But that is too degrading for an assemblage like this to consider, and I hurry past it with apologies for having noticed it. Then there is "the elegant Lord Shaftesbury's" aphorism to consider. He simply objected to too much truth. I have only one more classification left. Elihu Root said that diplomacy had become a great representative function in the modern world, and that the diplomat should stand for his people as well as his Government; that he should carry the sentiment of one people to greet the sentiment of another people. Now, I think we have got it sufficiently well mixed up. Fops, liars, boors, ignoramuses, sordid materialists, half-liars, representative democrats—stir these to one consistency, and you should have a Secretary of State. And so you would if it were not that all the definitions I have given are false, except Mr. Root's.

From the charge of being a diplomat, however, the Secretary of State cannot escape. Our representatives abroad are his agents and do his bidding, and in Washington he deals directly with foreign diplomats who represent nearly every country in the world. The diplomatic corps in Washington is, in fact, the largest in the world, because all of the Latin American countries as well as the Asiatic and European are represented, and some of the Latin American countries do not maintain missions elsewhere. To deal successfully with the representatives of so

many different nations certainly requires diplomatic qualities. And so does it require diplomatic talent to manage our own representatives in foreign lands and tell them what to say to foreign governments. There is no mystery about this American diplomacy, however, in spite of the belief which some people entertain that secrecy, finesse, and tortuous methods are its characteristic ways. In reality, it is and always has been simple and open in its methods. In treaty-making the Senate participates, and what is known to nearly one hundred men is not long kept secret from the rest of the world. Then, again, the success of a foreign policy depends with us upon popular support, and the public must know what they are asked to approve. Of course, a Secretary of State knows more than he ever tells; but the light of publicity beats upon his department just as it does upon the other departments of the Government.

It must be admitted that our Secretaries of State have not been trained diplomats. Many of them served the country in diplomatic missions before they entered the State Department; but their foreign service never extended over many years and in no case took on a professional complexion. In the sense in which the law, for example, is a profession, there has never been any class of trained diplomats in the United States, and I am of opinion that we are fortunate in having escaped them. The cravat-tying duties of a young man, a secretary in a legation in time of peace, occupy too much of his time and interfere with his development in more serious lines. He learns to dignify trivialities, and his staple of conversation and thought is apt to be small gossip. His duties keep him in foreign countries and he loses touch with the march of events in his own country. He is useful in his office in normal times, but he is not the material out of which men for the larger duties of diplomacy should be chosen. So I am not urging that our Secretaries of State be promoted from the lower ranks of diplomacy. I am sure we get the larger men by taking them from the higher ranks of official and professional life. The man who has served the state in offices of power and honor, the man of affairs accustomed to important negotiations with his fellow-man, trained in responsibility and the exercise of authority, knowing the temper of his people, learned in history and law, determined to guard the safety of his country and ambitious to extend her influence and her glory—there is your real American diplomat; there is your Secretary of State.

The first Secretary of State of the United States was Robert R. Livingston of New York, who held the office with the title of Secretary for Foreign Affairs during the Revolutionary War. As a member of the Continental Congress in 1776 he was on the committee which drew up the

Declaration of Independence, and when the parties formed under the Constitution, he joined the party of the higher ideals and was a follower of Thomas Jefferson. When Jefferson became President of the United States, Livingston thought that the time had arrived when the higher ideals might properly be applied to the foreign relations of the United States. Jefferson had pronounced himself for neutral rights and for peaceful methods in maintaining them, and Livingston wrote to James Madison, Jefferson's Secretary of State, on July 1, 1801, to say that he thought the Administration's views should be made to mark a new departure in international law. "Pedantic compilers," he said, had stated as rules what were really the "predatory practices" of nations at war. They had given little attention to the rights of peaceful neutrals. The champion of those rights must be the United States. He would make treaties with all states to preserve those rights, and the penalty for violating them should be "commercial exclusions." He would, he declared, have America set an example of perfect rectitude of dealing and propose perfect fairness in dealing to all nations. He would have America say to all the world: "A new law I give unto you, that you love one another." Presently Livingston was sent as Minister to France, but the Secretary of State, when he drafted the instructions which were to guide him in his mission, forgot to mention the Golden Rule. He was told, in the most practical way, that he must try to buy from France the island of New Orleans and some of the contiguous territory, as it was absolutely necessary that the United States should have the free use of the Mississippi River to the sea. If France would not sell the land, he was to propose an alliance with Great Britain against France to force it from her by war. But soon after Livingston arrived in Paris, France and England went to war on their own account, and Napoleon proposed to Livingston that he should buy the whole of Louisiana. After some bargaining over the price, Livingston agreed to give $15,000,000 for an empire. Napoleon sold it because he needed the money and thought that he would injure England by increasing the power of the United States. Livingston carried on the negotiations with discretion and skill and according to the rules of the game. I have seen the papers in the case and have looked in vain for any repetition of the ideals he had advanced to Madison before he went to France.

The administrations of Jefferson and Madison were, however, in full accord with Livingston in his idea of substituting "commercial exclusions" for war in international disputes. Madison called these exclusions "commercial weapons," and built hopes that they would take the place of armies and fleets. This was his contribution to the long list of substitutes for war which have been put forward by philanthropists,

statesmen, and philosophers for more than three thousand years. Jefferson and Madison gave their system of commercial weapons a fair trial, but after Madison had become President and Jefferson had retired to private life, Madison threw his system away as a failure and took up the methods which were orthodox and tried. He called upon the Nation to support its rights, as it had won its rights, by the sword, and a war was fought and won. The experiment which he tried has not been repeated, but the idea is not dead, and only a month ago I heard a distinguished judge of a western state, while arguing in a public speech for a world alliance for peace, propose that an effective method to apply to a recalcitrant nation would be to segregate her commercially and close the ports of the world to her products.

And thus it is that the ideas of Government are based upon two systems of reasoning—one the inductive, the other the deductive; one the subjective, the other the objective; one coming from theory, logic, hopes, desires, aspirations, ideals; the other from a study of the past, from recorded experience, from the necessities of the occasion which are apparent. Good examples of the application of both systems are our two fundamental documents, the Declaration of Independence and the Constitution of the United States. The Declaration proclaimed the natural equality of man, and the right of the people over their government—noble theories which have given mankind hope against the injustice of the world ever since the world and the injustice began. And the Constitution was one of the most practical documents that ever was penned. Those who made it tested each clause, before they accepted it, by history, previous experiment, and the problems which immediately confronted them. They put theory behind them and acted neither as children nor gods, but as men in a world of men.

No branch of government has offered a finer field for the assertion of idealism and the practice of self-interest than that department which is charged with a nation's foreign relations. A nation is a moral being. Vattel has said it, and upon it rests the body of natural law which we call international law. But the moral being behaves with the utmost immorality at times, and follows his own interests without regard to the interests of others. Such, unhappily, is the history of nearly all nations. David Harum's version of the Golden Rule, you will remember, was: "Do unto the other feller the way he'd like to do unto you—and do it fust." It is a rule that nations often follow in their dealings with each other. A fundamental principle of international law is that all states are equal. If a state admits that it has a superior, it is not independent; it is not a sovereign nation. Yet large nations impose upon small nations every day. The hope of everlasting peace is met by the fact of everlast-

ing war. The kindly term, "the family of nations," is confronted by the actual rivalries, jealousies, prejudices, and hatreds of peoples. In truth, the family is composed of bad and quarrelsome members who acknowledge loyalty and obedience to no head.

And as for the substitutes for war, they are numerous; but not as numerous as the wars which they did not prevent. So far as the written record goes, they began with the sublime wish for international arbitration and disarmament of the prophet Isaiah. "For out of Zion shall go forth the law, and the word of the Lord from Jerusalem: And he shall judge among the nations, and shall rebuke many people; and they shall beat their swords into ploughshares and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more."

And I suppose that the last effort for the prevention of war was the international gathering of statesmen and scholars at the Hague held five years ago—shortly before the whole world went to war.

Ladies and gentlemen, there is a story of a rich man who gained great power because of his great wealth, and who, being a good man, founded educational and charitable institutions. And he put up a beautiful astronomical observatory with the finest and most costly apparatus, and he hired the most learned astronomers in the world and put them in the observatory to make their scientific studies and explorations, and then, he ordered them to alter the courses of the stars!

I am afraid that the finite brain of man has not yet discovered the courses of the human race, and cannot change them. I am afraid that they sweep on irresistibly and without pity, and that the blood and tears, the heroism and horrors, of war are a part of a mighty plan.

Now, for my own knowledge of the Secretaries of State, it goes back to Daniel Webster's day, when Millard Fillmore was President. I have heard the sonorous tones of Webster's voice and have looked into his cavernous, brooding eyes. I have seen General Lewis Cass in his own house, standing in his shirt sleeves playing the fiddle which he had borrowed from a clerk in the Department, and I remember the tune that he played. It was the same which the boatmen on the Potomac used to play when a fair wind was behind them and they could steer by leaning against the tiller as they played. General Cass said he had heard it a hundred times. And I have been chilled by intercourse with the cold and colorless Edward Everett. I remember the ridiculous old wig that Jeremiah Black used to wear. I have listened to Latin quotations and puns from Evarts, and I have sat under the spell of Blaine's fascinations. My first chief in the State Department was an old gentleman named George Bartle, who was the head of the Commission Bureau and

the actual Keeper of the Great Seal of the United States. He had entered the Department when Webster was the Secretary, and told me about the Secretaries who had gone before I came in, but especially he never tired of telling me about his greatest friend among them, Daniel Webster. And here I hope you will allow me the luxury of a parenthesis.

I have said that I was a clerk in the Commission Bureau, and there my chief duty was to receive and file the applications and recommendations for office. Most of them were addressed to the Secretary of State, but many had been sent to the President, who referred them to the State Department. The old papers relating to appointments were in our custody also, and I examined them from the administration of George Washington and Thomas Jefferson. The result of that study and experience was that I reached the conviction that the nature of men has not changed in so far as their eagerness to obtain the honors and emoluments of public office is concerned. I found that the office-seekers included men from every class and condition of life. Preachers, poets, college presidents, reformers, politicians great and small—it is a varied and astonishing assortment. I have seen the letters of a great poet importuning the President in behalf of another great poet, of a distinguished educator importuning in behalf of himself, of a learned lawyer making an ugly confession of his past weaknesses. I have read the bulking file of letters of a man who wanted a territorial office and lived to be President of the United States, and I have held in my hand the ghastly papers of a wretch who wanted a consulate and murdered the President who ignored his claims. It is a motley list of men, who have harassed successive Secretaries of State ever since Thomas Jefferson made Philip Freneau a translator in the Department and Peggy O'Neill's husband was sent as Minister to Spain.

But there has been a mighty improvement in recent years, for the consulates which were the chief fund for patronage of the Secretary of State are now wholly removed from political control, and appointments and promotions in the service proceed upon a merit system which works automatically and leaves to the Secretary of State only the duty of supervision. It was Cleveland's Secretary of State, Richard Olney, who began this reform by an order issued in 1895, and it was completed in 1906 when the bill for consular reorganization was passed in consequence of the efforts made by Elihu Root. The difference between the service under the spoils system and the new service is the difference between a bad service and the best in the world. The American consular corps spreads over the earth and employs more than fourteen hundred men. They are the guardians of our interests in foreign lands. They are an important part of the Government establishment, but they are so far

away that few of us ever hear of them, and they in their turn seldom hear that note of praise from the people whom they serve which is the sweetest reward that a public officer can know. Especially now, in this crisis of our affairs, we should do honor to the consuls. For three years past, ever since the war in Europe began, they have had an extraordinary burden to bear. Suddenly confronted with tremendous responsibilities, remote from the seat of authority, often required to act before instructions could be received, they have met a critical emergency with intelligence, patriotism, and courage. Few instances of dereliction of duty on their part have occurred. On the contrary, many Americans owe to their guardianship their liberty, and even their lives.

And now, if you please, we will return to Daniel Webster. He was 68 years old when he became Secretary of State for the second time, and he died two years later while he was still holding that office, but his health was fairly good until shortly before the end and he was in full mental vigor. He was a man who never stopped growing in his knowledge and wisdom. He had made his famous 7th-of-March speech three months before he entered the State Department. It had cost him his popularity among the extreme men of the North and it had not gained for him the support of the extreme men of the South, and extreme men were then coming into control. But it was the speech of a national statesman and showed that he had finally risen above all sectional prejudices. And this was the same Webster who had entered political life at the time of the War of 1812 and had formed one of the group of unpatriotic New England men who had opposed the war and comported themselves as if they were still Colonial Englishmen. How he had left that contemptible position and become the great expounder of the Constitution, the inspiring mouthpiece of a growing national sentiment, and the champion of the Union, is a story of the continuous growth of a great mind and a noble nature. When he was Secretary of State our foreign relations were calm; only one small storm ruffled the surface, but he made it the occasion for giving to the country a notable contribution to patriotic literature. What is known in the diplomatic history of the United States as "the Hulsemann note" is generally condemned by historians. Mr. Rhodes says it was "hardly more than a stump speech under diplomatic guise," and no one pretends to say that in the immediate controversy which called it forth the United States was in the right. That controversy has some interest for us at the present day, for it illustrates the interest which the Americans have always taken in the efforts of peoples, however alien they may be, to obtain their freedom. Hungary had revolted against Austria, and under the leadership of the gallant Kossuth a promising revolution had been started. Everybody

in the United States sympathized with the Hungarians, and, responding to the public sentiment, the President sent a confidential agent to Austria to ascertain how the rebellion fared, to see the leading rebels, if possible, and give them encouragement, and, if Hungary seemed to be able to maintain her independence, to be the first to welcome her in the name of the United States as an independent nation. As it happened, however, the American envoy did nothing unfriendly to Austria, because the rebellion was crushed before he had a chance to do anything. But the President was proud of the instructions he had given his agent, and certain that the people would approve of them, so he communicated them to the Senate and they were published to the world. Of course, no self-respecting government could sit tamely under such an insult. While the United States had been officially on friendly terms with Austria, she had been secretly trying to encourage a part of Austria's subjects to rebel against her. The offense was grave and was indefensible in international law. So the Austrian Minister, the Chevalier Hulsemann, protested firmly, temperately, and convincingly. Webster replied with the adroitness of a trained lawyer; then he dropped the technical offense and rose to a higher purpose. He said privately that his object in writing the note was to let the people of Europe know what the American nation was and to make the American people so proud of their nation that they would feel ashamed to destroy it. So he told the Chevalier Hulsemann that the United States considered themselves to be the representatives of purely popular principles of government, and that they stood in that light before the world; that "They could not, if they desired it, suppress either the thoughts or the hopes which arose in men's minds, in other countries, from contemplating their successful example of free government"; that the prevalence in Europe of sentiments favorable to republican liberty was the result of the reaction of America upon Europe, and that when the kings of Europe announced that they ruled by divine right their declaration amounted to nothing less than a denial of the lawfulness of the origin of the Government of the United States, since it was certain that that government was established in consequence of a change which did not proceed from thrones or the permission of crowned heads.

I am glad that Webster wrote that stump speech. I know that it did encourage the hope for free government of the people of Europe and that it did strengthen the national sentiment of the people at home. Too often do historians judge the mere act itself and fail to estimate the effect of the act, and it is an unfortunate truth that historians are seldom statesmen.

The Daniel Webster whom I knew (through Mr. Bartle, my chief) was a glorious old man whom everybody loved even to the point of adora-

tion, and he accepted our devotion without protest. He was perfectly frank and unassuming in his intercourse with his inferiors. We did not believe that he had any equals, and never heard that he had a superior. He took a liking to Mr. Bartle, who was a modest, faithful man, painstaking, loyal, and of perfect integrity. Webster carried Bartle's pocket-knife; he liked to joke with him, and called him "the Colonel," probably because he was a small man of most peaceable demeanor. On one occasion this conversation occurred between them.

Said Webster: "Colonel, have you got any money?"

"Yes, Mr. Webster; I have a little," said Bartle.

"Could you put your hands on a hundred dollars?"

"Yes, I think so."

"Then do so at once, and bring it to me."

So Bartle loaned him one hundred dollars, and a month later he placed before him a memorandum of the transaction.

"Colonel, do I owe you all of this money?" said Webster.

"Yes; you borrowed it from me a month ago," said Bartle.

"Then, you shall be paid," said Webster; and paid he was.

Webster was a man of playful, unstudied humor, and he would sometimes greet the morning with song. The chief clerk of the department was Mr. Chew, and Webster used to enter his room and chant:

"Well, Mr. Chew,
How d' ye do?
How are you?"

Mr. Bartle was present when Webster made a remark which became famous in the Department and was remembered for many years. Desiring a sum of money for an official purpose, he called the disbursing officer and ordered him to produce it; but the disbursing officer raised objections, and said he doubted whether there was warrant of law for the expenditure. Webster turned his dark eyes upon him and said with great solemnity:

"You find the money; I'll find the law."

Forty-two years after Webster's death another great Massachusetts lawyer became Secretary of State, but how wonderfully everything had changed in those years! It was no longer the custom for the Secretary to keep open house, to know every one in his Department, and to ask his clerks to dine with him. He no longer regarded them as a master used to regard his apprentices—as a part of his family for whose welfare he was responsible. The Department had become only a place to work in. The old days of leisurely progress had gone with the passing of the stage coach and the old Washington hacks. The easy hours of work, from 10

in the morning till 3 in the afternoon, had given place to seven hours of unremitting labor. And as the times were different, so were there never two men who in their personal characteristics were more unlike each other than Richard Olney was unlike Daniel Webster. Olney made no rhymes and sang no songs. No jokes of his remained behind him to add flavor to his memory after he had left. Webster was an unmethodical worker, taking up his task when the humor seized him, dropping it when he chose, and finishing it in his own good time. Eleven months elapsed between the date of the Chevalier Hulsemann's note and the date of his reply. Olney, on the other hand, came to his desk at 9 o'clock every morning, worked steadily till 4 in the afternoon, and then went for a long walk or a game of tennis; and his body, like his mind, was always in good working order. He had power of concentration beyond any one who has held the office of Secretary of State in our day. He never wasted a moment. Visitors were received promptly, stated their business, and lingered not. When he took up a subject he held it in his attention, mastered it in every detail, and constructed his argument forthwith. He had a passion for concluding things. He liked discussion and argument only because they led to decision. Unlike Webster as he was personally, in their mental outlook the two men were similar. They believed in an expanding American influence among the nations; they believed the United States to be the guardian of free government in the world. Webster called himself a Federalist and a Whig, and Olney called himself a Democrat; but their views on the destiny of their country were the same. Thus it is that Olney's great dispatch on the Venezuelan boundary question, in which he expounded the doctrine of Monroe, has a true Websterian ring and reminds us of the Hulsemann note.

"The people of the United States," said Olney, "have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that Civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. . . .

"Today the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources combined with its

isolated position render it master of the situation and practically invulnerable as against all other powers."

Webster's creed was that the success of free government in the United States had stimulated the hopes for freedom of all nations. Forty years of progress had given us a more definite mission than mere example, and Olney asserted the power of the United States over half the world. I do not intend to be betrayed into a discussion of the Monroe Doctrine, and to walk with you through the morass of muddy reasoning and disputation with which essayists and politicians have confused themselves and their readers when they have attempted to explain what they do not understand. There is no American policy which is explained so diversely, and the explanations usually reflect the disposition of those who make them—timid souls making the policy little, and courageous men making it much. I say that Olney placed it on firm ground and gave it vital force, so that from the date of his exposition it became a rule of conduct as well as an assertion of doctrine. He was under no compulsion to declare the rule when he did. The question of the true boundary line between British Guiana and Venezuela had been dragging on for nearly a century. Successive Secretaries of State, declaring that the United States was interested in seeing it settled, had suggested arbitration, had offered good offices to bring it to an amicable conclusion. One had even offered to be the arbitrator. The real ownership of the disputed land was of little concern to us. Whether the flag of Great Britain or Venezuela should float over several thousand square miles of almost uninhabited country far distant from our shores could not affect us. Great Britain's claims were ever increasing, but they were still only claims. Mr. Olney could have left the question alone or merely repeated the same indeterminate suggestions and interest which had been recorded from Secretary Evarts' time. But, just as Webster took the protest of Hulsemann as the text for an international and national pronouncement of far-reaching effect, so did Olney make the disputed boundary of Guiana the occasion for putting the developed Monroe Doctrine into effect. President Cleveland's message to Congress on the Venezuelan question demanded that the true boundary line between British and Venezuelan territory be determined by arbitration, and it was arbitrated. The right of the United States to intervene to prevent the arbitrary settlement by a European power of a question involving the territory of a South American state was not only asserted, but maintained. The triumph of Olney and Cleveland was complete. Their action was much criticized, just as Webster's note had been, but it had a profound influence upon our acceptance of international responsibility and international duty.

Out of the heat which the controversy with England produced, Mr. Olney molded another opportunity for strengthening our international relations. He proposed to England that a general arbitration treaty be made by the two countries, so that good temper might be preserved between them in the future. The correspondence which he then had with Lord Salisbury, the British Minister for Foreign Affairs, is an interesting chapter in our foreign relations. Probably these two men, Olney and Salisbury, were the two ablest foreign ministers in the world at that time. The dynamic argumentation of Olney was met by an easy, frank, philosophical estimate of international public opinion on the part of Salisbury. He doubted whether the world was ready to accept the principle of general arbitration, but he yielded to Mr. Olney's reasoning, and the treaty was signed. In its careful arrangement of the methods to be invoked in case of international disagreement, it was the most elaborate of all the general arbitration treaties. There can be no doubt, too, that it was generally acceptable to the people of this country and of England. But it delegated unusual power to the President and Secretary of State, and the Senate was unwilling to agree in advance to settlements of disputes which might arise in the future and which under the established order would come before it for final agreement. Not choosing to be thus eliminated from one of its public duties, it would not agree to the Olney-Salisbury treaty, and sent it to join Mr. Blaine's Latin American arbitration treaty.

Before Mr. Olney's treaty there had been a number of arbitrations of disputes between this and other countries; but they were special individual arbitrations devised to cover specific disputes. The most important of them all—probably the most important that was ever held—was that which was arranged by Secretary Hamilton Fish for the settlement of the claims which this Government had against Great Britain for the spoliations against American commerce committed during the Civil War by the Confederate cruiser *Alabama,* which had been fitted out and had her base in British ports. There has never been a time when the relations between the United States and Great Britain were nearer the breaking point than they were when Hamilton Fish succeeded in saving us from war and arranging the Geneva arbitration. Had it been known then that the British Minister in Washington was sounding some of the leaders of the late Confederate Government to ascertain whether in the event of war former Confederates would make common cause with England against the United States, probably arbitration would have been impossible. But this was not even suspected. Mr. Fish's main difficulties were with the members of his own Government and his own party. He managed these difficulties with

patience, determination, and tact. The great arbitration took place in the city of Geneva, the United States won its case, and $15,500,000 was paid over to this Government to satisfy the claims for the destruction the *Alabama* had wrought. I have been told how the money was paid. England paid the whole amount by a single check through the Bank of Commerce in New York, whence it went to the State Department and Treasury of the United States.

The Geneva arbitration was the crowning event of Hamilton Fish's administration. It was one of the greatest achievements of any Secretary of State, and he was one of the greatest of all the Secretaries of State. He held the office for eight years, an unusually long term in our Government of constantly shifting chiefs, and in that time organized the Department on the lines which still maintain and handed down rulings and constructions of international law which his successors have rarely disturbed. Like most Secretaries of State, he was a lawyer, who had also had political experience, for he had been Governor of New York and a Senator. The management of our foreign affairs was a congenial task to him, and he liked the social duties which fall to a Secretary of State.

He was the type of man who used to be commoner than it is now—what we would call the old-fashioned gentleman. He was General President of the Society of the Cincinnati and took an interest in that organization; he was President of the New York Historical Society; he was active in the affairs of the Episcopal Church; his private fortune was substantial without being large; he had inherited his beautiful country place on the Hudson River; his favorite form of recreation was to give and attend dinner parties; his wines were well-known to connoisseurs; he had the gout—the picture is complete, and another stroke would spoil it. The days of Hamilton Fish were the golden days of the State Department. He settled down to his task; the Department developed under his intelligent management; as an efficient part of the machinery of Government it owes more to him than it owes to any other of the modern Secretaries of State.

James Gillespie Blaine was Secretary of State for nine months under the appointment of President Garfield and for three years in the administration of President Harrison. His efforts to obtain a declaration in favor of the peaceful settlement of all disputes on the American Continent is a chapter in the history of arbitration which should not be overlooked. He was in the fullness of his powers during his first service in the State Department, and wished to show that he had a statesman's qualities. He was full of high hopes and far-reaching plans. He was resolved to give the Garfield administration the best that was in him,

and never appeared to such advantage as he did when he was Garfield's Secretary of State. The tragic ending of that administration altered the plan of Mr. Blaine's life and affected his nature permanently. Three years later he was nominated for the Presidency and made a campaign which was desperate in its intensity. He missed the victory by a mere handful of votes, and thereafter he was a broken, disappointed man. Four years afterwards he was called back to the State Department, but he was a different man from the one who had stood at Garfield's right hand. His health was precarious, his temper was impatient and irascible, he worked irregularly, he was not in sympathy with his chief. Because of a personal quarrel of his own making, and in which he was wholly in the wrong, he resigned suddenly and sought to snatch the nomination for the Presidency from his chief, who was clearly entitled to receive it. This was the end of his tempestuous career. Success was the breath of his life. He failed ungracefully, and had not the force of character necessary to uphold him in defeat.

His personality was remarkable. Nature had given him to a wonderful degree the divine faculty of attracting men to him. Whether it was simply tact, or genuine sympathy with those with whom he came in contact, or real superiority of parts, it is impossible to say. It was there, and you felt its power without being able to name its source. It was not artificial, and it was not a trick. I remember the extreme care with which he investigated the charges which had been made against one of the smaller officials of his Department and the concern he showed that he should not do the man injustice. The matter was of little public importance and could not affect Mr. Blaine's fortunes in any way. And I recall how he once reprimanded a clerk for a blunder for which he was himself responsible, and how, as soon as he knew the truth, he wrote a note of apology to the clerk with his own hand. I remember the incident well, for I was the clerk.

He was a politician. He had been a politician from his youth. He had pulled every wire that politicians pull to move the voters for their own and their party's advantage, and he was not restrained in the manipulation by any high scruples; but he drew a line at the door of his Department, and politics did not enter into any appointments that he made. He sought for talent alone in selecting his assistants, and one of his most valued agents was William Henry Trescot, who had been the Assistant Secretary of State under Buchanan and one of the leaders in the secession of South Carolina.

After the days of Henry Clay and before the days of Theodore Roosevelt, no American public man had as large and devoted a personal following as Blaine. Thousands of men loved him and devoted themselves

to his fortunes with chivalric loyalty. Yet he was not the equal of either Clay or Roosevelt. He had not the high purposes of Clay nor the frank mental honesty of Roosevelt, although he had a brighter mind than either of them and was more adroit in his popular appeals. History will not connect his name with any great achievements of statesmanship as it has connected the name of Clay and will connect the name of Roosevelt.

The service for which Mr. Blaine should be remembered as Secretary of State was his effort to bring the independent nations of the Western Hemisphere into closer accord, and he, too, had his dreams of preventing war. It had been one of the hopes of Clay to produce some sort of federation of the American States, and he had appointed envoys to a congress which was to be held at Panama; but the congress never materialized, and active plans for revival of the idea slumbered for more than fifty years. At length, in 1881, the independent states of the American Continent were invited by Mr. Blaine, in the name of the President, to meet in Washington "for the purpose of considering and discussing methods of preventing war between the nations of America." The meeting was to be confined "to this one great object." Here was Blaine's great hope. A whole hemisphere was to agree to abolish war. The hand of an assassin deprived the country of the President under whom the plan was to be carried out, and it was too radical for Mr. Blaine's conservative successor, who postponed it. When Mr. Blaine became Secretary of State again he revived it, and the noted International American Conference of 1889-1890 took place under his auspices. That conference was, however, reluctant to agree to a general treaty for permanent peace, but Mr. Blaine by his persuasive personality and speech won it over, and a treaty was signed whereby all international American disputes not involving national independence were to be submitted, as they arose, to arbitration. President Harrison sent the treaty to the Senate with a strong recommendation that he be advised to ratify it, but the Senate showed no interest in the subject, and the treaty died a natural death. The first flush of enthusiasm created by Mr. Blaine in favor of abolishing war on this hemisphere having subsided, no more was heard of this, his contribution to the cause of international peace. I forget, at this moment, how many wars have taken place in Latin America since the unratified treaty was signed.

In entering on his second service as Secretary of State, Mr. Blaine succeeded a man who was not only unlike him, but whose nature was antipathetic to his own; and if so fine a nature as Thomas Francis Bayard's harbored hate, he hated Blaine. The two had fought bitter fights when they were in the Senate, and when Blaine was a candidate

for the Presidency, Bayard had attacked his personal character. Bayard believed himself to be the superior of Blaine, and in many respects he was. He was an old-fashioned scholar, and a solid reasoner. He knew the classics, knew Shakespeare, was a student of the Bible, knew English and American history. Afterwards, when he was Ambassador to England, he went with a party of English friends to Greece and saw with intense interest a land with which his imagination was familiar, for Socrates, Demosthenes, and even Ulysses and Helen of Troy, were to him real characters. There was nothing of tinsel about him; no false glitter; no acting simply for applause. He was an aristocrat. The history of the Senate includes an account of three generations of Bayards, and another of the family had been a member of the Continental Congress. A long line of distinguished men stretched behind him, and, like the Chevalier, the father of all the Bayards, he was without fear and without reproach. He represented the higher element of his party, and to the credit of his party be it said that if he had not come from the state which was next to the smallest in the Union and carried no weight in Presidential elections, he would have been his party's candidate for the Presidency. Of course, he was an ambitious man; otherwise he could not have been in public life; but he was not self-seeking, and when his race was run he went into dignified retirement and died without bitterness in his heart. For many years he had stood in the forefront of the leaders of the Senate, but he was a leader of the opposition. During his long career before he became Secretary of State he had never had responsibility for constructive statecraft. To criticise, obstruct, and give voice to the adverse sentiment of the country—this had been his duty, and he had made a reputation for himself because he did it well.

He had studied the foreign relations of the country while he was in the Senate, and he entered the State Department well equipped for his duties; but while he was there he added not an ounce to the weight of his reputation. The habits of a lifetime could not be broken. For constructive work he was untrained, and it was too late for him to learn. His state papers while he was Secretary of State were admirable, replete with legal and historical argument, skillful, stately, and impressive; but they did not settle the questions they discussed. They only enriched the discussion. Mr. Bayard emerged from the office of Secretary of State with diminished prestige in his party, and there was no call again for his nomination to be President. He made one notable effort to settle an international controversy. The dispute with England over the fisheries on the Northeastern coast was older than the Government, and came up periodically to disturb the good relations between America and England. So with infinite pains and after prolonged negotiation by a special com-

mission, Mr. Bayard made a treaty which he hoped would settle the question for all time. It was a good treaty. It was consigned to the tender mercies of the Senate, and that august body sent it to join the long line of treaties which from time to time it has interred in the cemetery which it keeps for that purpose.

Here I must say a word about the Senate in its relationship to the Secretary of State. It is a part of the treaty-making power. A treaty cannot be ratified until it agrees to it. The highest duty, therefore, of the Secretary of State is at the mercy of the Senate. The Executive does not always relish this conjunction of powers, and it is recorded that when General Washington was President he once went before the Senate with a treaty, but was displeased with some remarks that the Senators made, and when he came away said he "would be damned if he ever went there again." Since then the Executive has not personally consulted the Senate as a body in the progress of treaty-making. The Senate has agreed to many important international pacts; but it is equally true that it has on numerous occasions ruthlessly destroyed the work of long months of negotiation on the part of the Secretary of State. In its burying ground for treaties lie four which provided for annexing territory to the United States—the Texas treaty, the Santo Domingo treaty, that for the purchase of St. Thomas, that for the admission of Hawaii. Texas and Hawaii joined us by a different route. St. Thomas, which Secretary Seward tried to buy for $7,500,000, Secretary Lansing bought the other day for $25,000,000. Santo Domingo still remains an independent state. Beside the buried annexation treaties rest the whole family of reciprocity treaties which John Hay negotiated under the provisions of the McKinley bill; and the McKinley bill is dead also; and near them, more recently interred, are John Hay's hopeful arbitration treaties. If they had been permitted to live, they would have been a credit to their progenitor, even if they had not prevented any wars. The most appropriate epitaph that could be inscribed to mark their resting place would be:

Requiescat in pace!

And as all things end with a funeral and the grave, so should this allusion to the dead treaties close this lecture. I have given you a little philosophy, a little history, a few reminiscences, and a few opinions, and you have listened to me with kind attention—so kindly, in fact, that I cannot forbear to make my peroration a paragraph pertaining to a man of the present day, which I did not intend to do when I began these remarks.

The gallant, learned, and modest gentleman who is now serving as Secretary of State is a worthy successor to the distinguished men whom

I have mentioned in the course of my remarks. He is managing our foreign affairs in the most critical period through which the modern world has ever passed. He has one dominant idea—to do his duty. Zealously, fearlessly, and with consummate skill, he upheld our rights by every process known to diplomacy, and as long as regard for the national honor permitted, he kept the way clear for continuance of peace. He won the confidence of the country then. Since war has been trust upon us by a lawless nation, he has guided the State Department with the quiet determination of a master hand. A great task has been entrusted to him. Give him, I beg of you, your confidence and help. Without it, he cannot achieve success; with it, failure is impossible. Stand behind your servant and encourage him onward in his work. And when the end of all this dreadful strife has come and our country shall emerge triumphant, we shall be proud of Robert Lansing.

Historical Parallels

BY D. H. HILL

There is a logical axiom that like antecedents always produce like consequents, or, to put the axiom in less technical words, that like causes always produce like effects. Is the axiom as applicable to man's thought and acts as it is to physical phenomena? Is human nature so unchangeable from generation to generation that, given the same antecedents of circumstance, we will always evolve virtually the same consequents of thought and action? It would seem, at all events, that this is true when the antecedent circumstance is war.

Counting approximately, two and a half generations have entered life's activities since the Civil War closed fifty-two years ago. The environment of these generations is radically different from that of the ante-war generations. Their lives have been broadened by the extension of railroads, the cheapening of travel, and the growth of papers, magazines, and books. Their political contentions have differed. Their social system has been entirely changed. Even their religious views have been markedly altered. Yet, in spite of these fundamental changes, at the advent of war, with its hate and horrors, these new generations revert to the same problems that confronted their forefathers in 1861, and are solving them in almost identically the same way. Each day, almost, in 1917 seems to bring a recurrence of the same difficulties that confronted the State and Confederate governments in 1861-62, and the parallelism of action at the two epochs is startling. It may be that so basal a thing as war, like the basal emotions of love, hate, jealousy, avarice, can present no new aspects, and that we must always expect only changes in the method of waging it and the spirit in which it is waged.

If you will read some of the speeches made in the Senate and House of the Legislature of North Carolina in 1861 and in 1862, and then read the speeches on the same topics that were delivered in Congress for the past few months, you will almost wonder if that Congress were not an adjourned session of the earlier Legislature.

Let me ask your careful attention to two brief extracts from the speeches of two Governors of North Carolina:

"Congress has passed an act of conscription. Many of you thought it harsh and unconstitutional. It was harsh, and may have been unconstitutional, although many of our ablest statesmen thought not. To stop *now* to argue it could only produce the greatest mischief, for the reason that it has already

been executed. However objectionable in its conception, let us at least be just and impartial in its execution. I am sure that if every man who has his country's good at heart but knew of the necessity which existed, he would render it a cheerful obedience."

The second extract is as follows:

"No matter what may have been our individual thought about the wisdom of conscription as a means of raising our armies, the draft is now the law of our great land. In the present emergency, no matter what a man's private opinions might have been before war was declared, if he is a lover of his country, he will give power to the arm that is raised to strike."

One of these utterances was written by Governor Vance in 1862; the other by Governor Bickett in 1917. Will this discriminative audience kindly guess which Governor wrote the first and which the second extract?

This parallelism extends from very small things to things of paramount magnitude. For example of the small ones: I had thought that the familiar expression, "Somewhere in France," was perhaps a coinage of the present war. Yet in the *Fayetteville Observer* of July 11, 1861, you will find this:

"As it would be imprudent to mention numbers and places, we simply chronicle the fact that on yesterday Colonel Williams sent a detachment of————men to a point somewhere in the Old North State."

As an example on a large scale: On July 13, 1863, anti-draft riots in New York City led to the killing and wounding of 1,000 resisters. In August, 1917, practically the same sort of riots broke out among ignorant settlers in Oklahoma, and later in a few other places.

To get an orderly glimpse at these parallels, let us consider them from three viewpoints:

First, the industrial and economic.

Second, the relations of the individual to the Government.

Third, the relations of the individual to society.

First, it is needless to say that at neither epoch was there any adequate industrial, economic, or military preparation for war. You recall with pain our situation when war was declared in April. Our army was not big enough to chase the bandit Villa and police our border without calling out the militia. No great depositories were, as in Germany, stored with necessary uniforms, equipments, ammunition, rifles, cannon of every calibre, and all the other habilaments of war. No reserve stores of food for our armies and navy were at once available, nor is there yet a reserve supply of material that must go into munitions in case of a long war. Even yet, seven months after our war flag was raised, many of our

artillery regiments have no guns and our cantonments are insufficiently supplied. Worse still, if possible, there was not a large trained general staff, capable at once of organizing and coördinating all the departments of a great army. Had not a most potent group of trained civilians flocked to Washington and, at their own charges largely, lent vigor in this extremity to our organization, our situation would indeed be deplorable.

If, after a half-century of almost marvelous progression in wealth, in business sagacity, in capacity for organization, in growth of acre-wide industrial plants, in agricultural fitness and economic production, we in 1917 fall so short of war requirement, you can imagine how many more difficulties entangled the feet of our rulers in Secession days. Had not both North and South been equally novices in waging war, the struggle must have terminated in a few months. The North did have the remnant of the old army and navy. It did have some factories making powder and arms—factories that sold munitions of destruction to Col. C. C. Lee, representing the State of North Carolina, until the outbreak of hostilities stopped southward transportation. It did have raw material and competent workers to change this material into ordnance and commissary and quartermaster stores.

But the agricultural South, that still believed in Nat Macon's dogma that no man ought to live close enough to a neighbor to hear his dogs bark, was as unequipped to begin a war as a Ford automobile engine is to draw a Coast Line freight train.

North Carolina was a typical Southern State. Recall her condition when she entered so desperate a struggle: was cut off from her usual northern markets and had no established central government from which to draw supplies. There was not a single powder factory in the State in 1860; not a cartridge plant, not a cap machine, not a cannon foundry, not a rifle factory, and only about 25,000 guns of any sort in sight, and most of those flint and steel muskets. Eleven men in the State reported that they could mend and make firearms. There were no lead, nitre, saltpetre, sulphur, or mercury establishments. Ex-Governor Manly writes to Ex-Governor Swain: "Our agents are running all over the land, digging up smokehouses, hen roosts, and stables, to get saltpetre." An agent had to be sent as far south as New Orleans to buy bridles and saddles for our first cavalry regiment. There was not a large clothing or shoe factory in our borders. To furnish her soldiers with uniforms and blankets and keep her people in clothes, there were seven small woolen mills. To help provide shoes for her troops, the State had to send out agents in wagons through county after county to collect green hides. These were tanned here and there on shares, and then made into

shoes by men who were begged out of Confederate conscription. But for an expensive and daring blockade business established by the State, our soldiers would have suffered as the soldiers of Belgium are now suffering. Out of a total State population of nearly one million, only 14,217 were engaged in any form of industrial enterprises, and most of these did a purely local business.

Many of our troops moved gaily to the firing line with haversacks made by the soldiers' mothers, with cartridge belts made of cloth gummed into thickness by shellac, with cartridges made at the Deaf and Dumb Asylum, with pieces of carpet lined with cotton cloth for blankets, with bowie knives instead of bayonets, and with shotguns instead of rifles. Their food was often so scarce that they boasted that they fought three square battles on less than one square meal, but they were generally as cheerfully uncomplaining as was the young officer who wrote Governor Vance from Virginia: "I hear rations are scarce in North Carolina; but do not worry about us. We shall do finely as long as ground-hogs, screech-owls, and wild onions are as plentiful as they are now."

Economically, we see another similarity. The enormous expenses of war can, of course, be borne only by pledging the credit of the Government. Before our soldiers have entered a single pitched battle we have lent our Government in Liberty bonds about seven billion dollars.

Of course, such a sum as this was unthinkable in 1861; but we used exactly the same process to get ready to fight. Before the Confederate Government was organized, the several states had to finance the mobilization of their own troops. Our State raised its war funds in three ways: First, large sums were borrowed, or rather assessed from the banks in proportion to capital stock. Up to September 20, 1862, the State had borrowed $2,550,440 from its banks. Second, bonds were sold outside of the State to the amount of $1,404,074.62, and inside the State to $3,096,448. Third, treasury notes amounting to $3,245,810.50 were issued. This makes a total for practically the first year of the war of $10,296,773.12.

Next, let us glance at the Government's attitude towards the individual in the two epochs.

At the entrance into both wars the Government's right to war service had to be considered. Should the authorities rely on volunteers, or should the absolute right of the Government to the service of its sons be maintained? South and North in '61 began the struggle with volunteers mainly for six months or a year. But, as the conflict progressed beyond the expectations of both belligerents, it was seen that freely as men volunteered at first, more men were needed than were volunteering.

Moreover, it was soon found that large numbers of soldiers who had volunteered for six or twelve months would not reënlist at the end of their term of service. Thus, at a most critical time, the ranks would be depleted. North Carolina, for example, had over ten regiments of short-term men. Many men in all states had rushed into the fray thinking war a sort of pleasurable outing. Before the first year of service was ended, they realized how piteously hard and nerve-racking and soul-trying war is. Then the hearts of the unstable and the unheroic began to hanker for the flesh-pots of home. Both governments saw that if a choice between home and field were allowed, unfillable gaps in the lines would follow. The Confederates, having the fewer number of men to draw form, were the first to act. A conscription law for all men between 18 and 35 was passed April 16, 1862. In March, 1863, the North followed with an act drafting all between 18 and 45.

Fortunately, at the beginning of our present war we, after prolonged and acrimonious debate, profited by our previous experience and by England's and escaped the farce of a volunteer army. It seems to me that we owe this escape to the patient and heroic man who with unawed nerves and dispassionate brain guides our nation in this stormful day. We escaped at the same time the fatal calamity of hired substitutes.

With conscription there arose, in both epochs, the vexed question of exemptions. The first Confederate act provided for few exemptions. County officers, industrial and vocational workers, men with large and dependent families, were all enveloped in an almost inexorable Army drag-net. In too many cases the law was enforced with handcuffs and bayonet prods. Pitiful letters poured in to Governor Vance. In whole communities not a carpenter was left to make a coffin in which to bury the dead. Plows, wagons, threshing machines, and other farm implements were often useless because there were no blacksmiths left at home. In the absence of local millers, women had to carry corn for miles to some mill run by a man above conscript age. Factories were seriously crippled, and harvests could not be gathered. Rectification of these mistakes were attempted later.

This generation, profiting by its recollection of the former mistakes, met this strife-provoking and necessarily difficult dilemma by starting with a selective draft law, a law to require men's services, but to classify their abilities so as to get most efficiency out of our man-power. If this law, which meets the approval of thinkers everywhere, be impartially administered during the war, we shall not lack for soldiers.

A perfect parallel is found in both epochs in the scramble for exemptions. The pleadings and excuses in Vance's letter files and the pleadings and excuses now on file before exemption boards differ only in that the

former are fifty years old and the latter a few months in age. Men who toiled not, neither did they spin, who lived only in the sweat of their jaws on food which somebody else provided, endeavored to convince boards that they were ant-like and bee-like and mosquito-like in their activities. Petticoats were waived to keep the home fires burning for slackers with cold feet. Men who, like Asahel, were as fleet of foot as the wild roes on the mountains, became overnight as lame as Mephibosheth, the son of Saul. Almost in a twinkling, hearts went to leaking, eyes waxed dim, and ears forbore to function. Tricks of all sorts were tried.

From the outset of hostilities at both epochs came another question of how far the Government could control the individual, and the thought of the individual, who owned a newspaper. Should laws be passed establishing governmental restrictions and governmental censorship. At the earlier period, Confederate and State governments shrank from any attempt at national or State control, but relied on requests to the owners of papers. How we shall finally settle this most important matter in this war remains yet to be seen; but we know how the European governments have decided it.

At both epochs men questioned the Government's right to decide what a man shall plant on his own land. Just as the authorities pleaded in 1862, we are today pleading with men to plant more wheat and corn and other food crops. In 1861 and in 1917 landowners in tobacco sections were begged to plant less tobacco to chew and more food to eat. In 1863 women with hungry children became so outraged that these pleas were unheeded, that they went by night and destroyed tobacco beds on neighboring farms.

In both cases the Government had to face a decision as to the individual's right in time of national need to turn the grain which he had raised, or which he had bought, into whiskey or beer. In both cases the decision was the same—the individual's desire had to give way to public need, and such conversion was forbidden. Then, as now, lawless men with gain-hardened souls defied the law and set up illicit stills. So detrimental to civil order did some of their stills become in North Carolina during the Civil War that women, arming themselves with Carrie Nation weapons, fell on them with fury and chopped them into fragments.

Another exact parallel is found in the attitude of speculators. By convulsing markets, by so overworking transportation companies as to break down regularity of supplies, and by snatching away honorable business men, war, of course, offers a cormorantic harvest for speculators. In 1861, just as in 1917, speculators showed and are showing their

usual shriveled souls. Without a pinch of remorse for inflicting physical torture on families already suffering mental agony from giving up household idols, without a thought of doing even a mite for country when country was doing all for them, these buzzards of commerce set to work to hoard supplies on falling markets in order to dole them out at fabulous prices in hours of scarcity. During the Civil War they, through insatiable greed, inflicted almost as much suffering as hostile armies did. The revelation in New York City last week of the fact that seventy-five millions of essentials were hidden in that city for speculative and perhaps treasonable purposes shows avarice as contemptible and conscienceless as ever.

Perhaps it would not be an overstatement to say that thousands of petitions were sent to the North Carolina Legislature during the four years of war, asking that a scale of reasonable prices be fixed by law. However, the Legislature never felt able to comply. At this juncture in our national affairs our food administrators are working at the problem from every approach. May power be multiplied to them!

How to reach and deal with the individual who might be negatively, partly, or wholly disloyal to his Government in speech or in deed, led to similar legislation in both periods. Laws to define treason crowded the calendar of our State Legislature for four years. No doubt our present national statutes will undergo various changes before this international war is closed. The disposition of internal alien enemies was important in 1861; it is absolutely vital now. In the former epoch the alien was not, as now, a foreigner, but a sympathizer with the other section. It is to be hoped that in this war there will be no revival of the odious disloyalist formerly designated as buffalo and copperhead.

Many other parallelisms could be mentioned if there were no such thing as time. Let us turn for a moment to a few parallels from social life.

Then, as now, the individual conscience was asked to submerge itself into the community conscience. Every individual was asked, in his household and business dealings, to think in terms of State and Nation. In '61 they called it saving for the State; in '17, since the world has grown bigger, we call it conservation for the Nation. Let me read you a sentence, and if it were not sworn and subscribed to as an utterance of our Governor in 1862, would you not vow that it was a sentence from Mr. Hoover in 1917:

"All the fruits of the earth should be saved most carefully. Retrenchment and reform should begin in our households and extend to everything, public and private."

What we now call a gospel of conservation was and is preached persistently in both eruptions. Everything worth while is to be saved—food, clothes, raw material, potential supplies; everything is to be conserved except meetings and speeches; these will keep in their own dryness. But do you not wish they might be canned?

At the beginning of the Confederate struggle there was a tremendous return to hand labor. We are now just beginning to see a similar return. Who in this impatient age of electric rapidity ever expected to see hand knitting return? Who ever expected to see absorbent cotton again carded by just such hand cards as were imported into North Carolina by the blockade runner, *Advance,* in 1863? It is not unlikely that we shall soon see a return of hand shoe-makers, tanners, wagon-builders, and allied industries.

Already, just as in the Confederate age, there is a revival of manual toil for women. Now, just as then, the American women, with the nobility of soul that has always marked them, are assuming with cheerful alacrity and, what is more, with the same efficiency, the burdens and responsibilities left by the departing soldiers.

Again, while war calls out many of the holiest of man's emotions—patriotism, broad-mindedness, self-sacrifice—it also evokes some of the basest passions of human nature. Consequently, in times of war there is always a deplorable increase in lawlessness and crimes of violence.

The Confederacy, swept bare of vigorous men, had to cope with crime as best it could with old men and boys, and these composed its Home Defense. One officer, in sending in to the Commissary Department a requisition for supplies for his aged troops, included six hundred pairs of spectacles and spectacle cases, four hundred walking canes, and three hundred bottles of Radway's Ready Relief for Rheumatism. Unless the war progresses to great length, our generation will not be as hard put to it for home defenders.

Now, with all these similarities, let us be devoutly thankful for one overwhelming difference: In this war one American will not have to dye his hands in another American's blood. Friends, kinsmen, fellow-citizens are not to look into one another's eyes with hate and ferocious desire to slay; but, united to a man, we wage war to keep this world a decent place in which to live!

The Influence of the Civil War on Education in North Carolina

BY EDGAR W. KNIGHT,
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In such evil days as these none is so foolhardy as to attempt with satisfaction or safety any prediction of the probable social readjustments which will come with peace. We do find ourselves speculating, however, and seek in history and in the bitter experiences of other wars for some means by which we may know what to expect when the thunder of the guns has ceased and the cries and groans of the wounded and the dying are hushed. What educational changes will take place none dares to say, though many may think themselves ready to foretell, arguing from the educational history of Europe following certain great military conflicts there, or of this country following the Revolutionary War or the Civil War. Although the present situation may have no exact educational parallel in the past, it may not be altogether unprofitable to note briefly the actual educational influence of the Civil War in our own region. No account of this influence, however, would be complete and adequate which did not note also, for purposes of comparison at least, *ante-bellum* educational theory and organization and actual educational practice.

There were at least three very distinct periods of educational development in the United States at large prior to the Civil War. These periods appear in quite as clear outline in North Carolina as in other sections of the country, and correspond to as many different periods in our social and economic growth. They may be noted as follows:

First, there was the colonial period, when European traditions, customs, and institutions were transplanted, from the first settlements to about the middle of the eighteenth century or a little later, when the life of the colony was colored by conditions in the mother country.

Second, there was the period from about the middle of the eighteenth century to about the fourth decade of the nineteenth century. This period was marked by attempts to meet the demands of new and rapidly changing political, social, and economic conditions.

Third, there was the period which extended from the thirties to the undoing of Reconstruction in the seventies; and, up to 1861 at least, it was notable for attempts to develop an educational system distinctively American in character. During this period, faith in the power of the people gradually developed; Jeffersonian democracy rapidly culminated.

There was a gradual separation of public education from ecclesiastical control, a slow but steady growth of the idea of local control in education, and a wholesome tendency toward the ideal of democracy. During this period, so-called public schools passed over to the State, the old academies began to be changed into public high schools, colleges began to take on a non-sectarian character, and the state universities began to develop. There was likewise a general expansion of state constitutional provisions for education, which was an outgrowth of the development of the democratic theory of government. Specific and definite language was substituted for general terms in educational legislation. There was also an extension of the franchise and an increase in the number of elective officers. It was during this period that we find the early attempts for the normal instruction of teachers, the organization of state boards of education, the creation of the office of state superintendent, the establishment of teachers' institutes, and the building of school libraries.

This new impetus to educational thought and practice was in great evidence in North Carolina in 1860. The idea of public education began early and grew steadily. For example, North Carolina was the first of the Southern group and the second of all the United States to make constitutional provision for schools. This provision was adopted December 18, 1776, and was almost a literal copy of a section of the constitution of Pennsylvania which had been adopted September 28 of the same year. In 1825 the Literary Fund was created and grew so rapidly that by 1860 it had accumulated into an endowment large enough to furnish, from its income, the sum of $186,000 annually to promote public schools. In 1839 the first public school law was enacted, and was later revised and improved into a creditable basis for educational facilities. Under this law, state, county, and local district organizations were formed, and the place of school support, by a combination of local taxation and the revenue from the Literary Fund proved popular and well suited to the conditions of the times. This fund served as a powerful incentive to local taxes for school purposes. From 1853 to 1866 the state organization was headed by Calvin H. Wiley, North Carolina's first superintendent of public instruction, who promoted and strengthened the work of the schools, and by his own labors and achievements challenged favorable comparison with the work of Horace Mann and of Henry Barnard in New England. The various counties of the State had superintendents, many of whom were earnest men, and the local districts were often served by trustees who did the best they could. There was an effective state teachers' organization, several county teachers' organizations, and a very creditable teachers' journal; and in the late fifties the movement

to train teachers through normal schools and institutes was fast gaining momentum and popular approval. Compared with the multitude of subjects which have been tortured into the course of study today, the *ante-bellum* curriculum was narrow, but there is evidence that boys and girls learned to read, to write, and to cipher with a certain degree of success. Text-books were doubtless unattractive and often defective, schoolhouses were often crude and uncomfortable, and many of the teachers, often laws unto themselves, knew no method but that of the rod. They were probably indifferent scholars; and if their pupils became more successful men and women than are being developed in our own day, it is perhaps another conspicuous example of the advantage of early hardships and discipline, and the praise is due chiefly to the ambition, industry, and perseverance of the children themselves. The shadows of the good old days still linger in the days of modern education, all its alleged aids to intellectual advancement to the contrary notwithstanding.

Toward the close of the *ante-bellum* period educational interest was on the increase. On the eve of the war and even after the struggle was on, interest in grading the schools, in providing secondary educational facilities, and in increasing taxation for school purposes developed. The theory that the schools were for all the people, the poor as well as for the well-to-do, was gaining strength. Prejudice against the charity idea was weakening, and everywhere there was hope. Wiley's last report before the State seceded gave gratifying evidence of the regularity of the system's operation. Out of a school population of about 221,000 about 150,000 children were in 3,000 schools with terms longer than at any other time before 1900. More than 2,700 teachers were licensed that year, and were paid better salaries than public school teachers received in North Carolina at any other time prior to 1900. Local school taxes in 1860 exceeded $100,000—a large amount for the time. Moreover, the courage and industry of the friends of the schools did not fail during the war. Throughout those dark days the schools continued to operate with surprising regularity and consistency; and as late as April, 1865, with the Union Army in our midst, Wiley was receiving official school returns from the various counties. But the régime rapidly passed, and with it passed also "The best system of public instruction in the fourteen Southern States east of the Mississippi, previous to the outbreak of the Civil War."

With these *ante-bellum* educational achievements in mind we may go to the question which this topic should suggest: "What was the actual influence of the war and the years of Reconstruction on public education in North Carolina?"

In spite of the facts already given, it has been popular in certain regions to assert that there was no system of public education in any Southern State prior to the Congressional Plan of Reconstruction, that little educational effort had been made in the South before that time, and that this lack of educational tradition for all the people was in large part responsible for the war and its deplorable aftermath. Some people believed that such education as was given in the South during *ante-bellum* days was based on wrong principles which produced the secessionist and rebellious spirit. It was also believed that the poor whites were in dense ignorance and that this ignorance had been exploited by unprincipled leaders and thus made the basis for the Confederacy. It was also believed that many of the white leaders in the South frequently opposed public education for the masses, and that all native whites opposed the education of the negroes after their emancipation.

Evidence of these beliefs accumulated for many years, and is now abundant. The war had scarcely closed before they were finding expression throughout the country. The burden of the speeches and addresses of the National Teachers' Association, held in Harrisburg, Pennsylvania, in August, 1865, was that the lately closed rebellion had been a "War of rebellion and patriotism against ignorance and barbarism." The result of the war, it was believed, afforded rare opportunities for extending "universal education" in the South, which was viewed as a vast missionary field. This view was, in fact, so generally held that it became one of the defenses of the policy finally adopted for "reconstructing" that region.

Here, then, is one point at which an educational influence of the war appears not only in North Carolina but in the other Southern States as well. In spite of the genuineness of a part of this sentiment, the decade following the close of the war witnessed much misdirected missionary zeal and vague and visionary effort, which were finally damaging in their influence. With the single exception of the Peabody Board Trustees, whose work was systematic and tactful and has had a lasting beneficial educational influence, the most of these missionary activities were blindly made and with little or no sympathetic understanding of local conditions or local needs. The enthusiasts failed pitiably to consider the temper of the popular mind and made the ridiculous and fatal mistake of believing that the chief difference between the white man and the negro was the enforced ignorance of the latter which, in their opinion, could be readily removed. "We have four millions of liberated slaves who should be educated," said a minister near the close of the war. "They ask it of our hands, and the world expects us to do it. . . . Since the Christian era there has not been such an oppor-

tunity for such a country to do such a work, the noblest work man can do. . . . The old slave states are to be new missionary grounds for the national schoolmaster." This view served to alienate rather than to conciliate the region which needed aid and thus defeated its alleged purpose; and the prejudice thus engendered has not yet altogether weakened.

The rebuilding and reorganization of a public-school system after the war was one of the many disheartening tasks which confronted the people of North Carolina and the South generally, and the question of educating all the people soon became more critically important in that region than in any other part of the Union. This problem was complicated and discouraging. The State emerged from the four years' conflict with a loss of a large part of her male population and a complete loss of practically all her accumulated capital. Not only was it difficult to restore the material resources necessary for the building of a successful school system, but the crime of the reconstruction period made an immediate and complete restoration of public confidence tedious and well-nigh impossible. In fact, the so-called restoration period, after the war, proved more destructive than the war itself. It robbed us of what the war had spared; and, by looting treasuries and squandering public funds, by imposing enormous taxes, by practicing fraud and extravagance, and by piling up colossal bonded debts, the period of Reconstruction ran its corrupt fingers deep "into the pockets of posterity." Industry was checked in its development; idleness and fraud were widely encouraged; local justice was thwarted and put in contempt; the people were ruled by corrupt and reckless officials, and almost all tendencies to good government were stifled. In this experience is the explanation of the State's educational backwardness following the Civil War, and of the indictment, once so frequently made, that we hated taxes and tax collectors and distrusted all "public welfare" plans and movements. In this experience may likewise be found the explanation of our so-called devotion to a sort of *laissez-faire* theory in education; and the frequent extreme application of the principles of local government to educational administration is doubtless another influence of the War and Reconstruction.

Elaborate constitutional and legislative provisions were made just after the war, and, in a measure, served well as a framework for an adequate school system. These provisions were more mandatory with reference to taxation for school support than were the *ante-bellum* provisions. But these elaborate provisions were not sufficient. There was a widespread feeling of insecurity which crystalized into a sort of educational philosophy. But it was a condition rather than a theory with which the people of the State had to contend—a condition produced by

the poverty of the State, and inexperience, ignorance and prejudice which came from the new order of things. The opinion was gaining that schools and education were to be universal, yet there was an apparent lack of genuine educational interest. The negro had suddenly been given a place in politics without any preparation of it; the Freedman's Bureau and other organizations were disbursing their funds recklessly for his education; and school officials, often foreign in their sympathies and guided by questionable motives, sought to raise him to a place of universal brotherhood both politically and socially. Moreover, the possibility, under the Constitution, of forcing mixed schools on the people produced a constant dread and strengthened a natural prejudice.

The *post-bellum* provision for taxation for school support was, in principle at least, a decided improvement over the *ante-bellum* provision; the latter was very creditable, however, even though it was discretionary and permissive rather than obligatory. But the literary fund had stimulated local initiative before the war; and with the loss of that fund the incentive to local taxation became so weak that local tax sentiment was for years difficult to restore in many places, and even today ancient arguments are used to defeat it in others.

Provisions for the education of the negroes, coming as a natural result of emancipation, had a not unexpected influence on educational thought in North Carolina as indeed in the South generally. Emancipation of the negroes implied a certain promise to educate them and to provide opportunity to fit them, as far as possible, for citizenship. This changed political status of the colored man had an educational influence in other regions, however, as well as in the South. Here the new status of the negro was recognized by the native white citizens who made efforts to meet the demands made by the change. And if an unfortunate attitude was occasionally assumed toward the education of the negro, it can more often than not be laid at the feet of the Freedmen's Bureau and organizations of similar character. Here, then, is another influence of the war, which is indeed "a heritage of evil." In North Carolina the education of the freedmen was viewed with cordiality and favor by the more representative citizenship of the State; and but for an unwarranted outside interference and an exploitation of the negro race by men who were both foreign in sympathy and visionary in judgment, the present educational condition of the negro would here doubtless be more favorable and hopeful.

Following the war there was a legally prescribed school term, but that term was precisely the same as the actual average term before the war. Here then was another *ante-bellum* educational practice which was adopted by the *post-bellum* régime and claimed as a distinct contribution

of the latter period. But it should be borne in mind that the average term in *post-bellum* times, even as late as 1900, scarcely reached the average *ante-bellum* term. As already noted, the average salary paid teachers from the close of the war until 1900 was lower than was the average salary before the war. There is considerable evidence also that schools were taken more seriously in the former than in the latter period. The *post-bellum* constitution and legislation contained educational provisions which were conflicting and which had an immediate and unwholesome influence on public thought, which influenced men to think lightly of public educational enterprises and imposed an educational burden from which we have yet to escape.

However valuable some of the educational influences of the war may have been, they were lessened by the folly and offense committed by the partisan plan of the period. The infamy of radical rule and the incapacity and ignorance which the recently emancipated negro displayed in his early participation in political affairs, finally produced a reaction which was damaging alike to the education of the negro and of the white child. The period of political and financial license, when a multitude of passions and vices were riotously indulged, blighted an educational enthusiasm which native conservatives and former leaders doubtless felt. The fear of mixed schools combined with the poverty-stricken condition of the State to produce an educational indifference, if not hostility, which did not die with the death of the restoration period. Local evils were intensified by the agitation in Washington of the Civil Rights Bill which threatened temporary destruction to education in the South and produced an influence which was as deadly as it was persistent.

What would have been the result in North Carolina had there been no outside interference? This question is now hardly a matter for speculation. From the evidence available, there is every indication that if the native conservative element had been free to act, without unwholesome influences from abroad, better educational policies would have been outlined and better educational influences would have been felt. There was a widespread and noticeable expansion of educational statutes after 1865, and everywhere there was a popular feeling that educational facilities should be extended and educational opportunities made more adequate and safe. This feeling was shared by leaders in the South as well as in other sections of the country between the close of the war and the beginnings of congressional reconstruction. During the confusion of these years there was a marked interest in improving provisions for education in several of the Southern States which were expecting to have their relations with the national government restored in accordance with the executive plan of reconstruction. In our own State there is evidence

of this same interest. Although the office of the state superintendent of public instruction was abolished in 1866 that action was not due so much to legislative hostility as to the bankrupt condition of the State and because there was no plan in sight by which this part of the system could be maintained. Moreover, the same Legislature which took this action appropriated funds to relieve the State University and made other efforts to assist the public school system. It may be recalled that at that time a bill passed the House appropriating $75,000 for public school purposes, but the measure was defeated in the Senate. At the next session of the Legislature, at a time of great confusion and uncertainty, when the state governments of the South as organized by the presidential plan were about to be replaced with military governments, the native white citizenship of the State passed acts which authorized taxation for school support and attempted to revive and improve the former school system. And but for the crime which followed, the educational historian would doubtless have a different but a better tale to tell of education in North Carolina and the influences of the Civil War upon it.

The Civil War brought a complete overthrow of a superficial social order which was built on an industrial structure, itself an economic fallacy. The collapse of that order and structure became the means by which the ideal of universal education was eventually to receive a new stimulus. So greatly was this ideal strengthened that its acceptance is today, in our own land at least, well-nigh universal, and shows promise of further extension. What new application will it receive when the days of peace return? Will education be the means of making dollar earners merely, so-called "efficient" mechanisms, to fit only into routine? Will it help men to escape from prejudice and provincialism and develop in them the proper "consciousness of kind," a race-mindedness which measures one's value by his service to his fellows? Will it turn scholarship and science to the construction of hellishly conceived means for destroying the monuments of civilization and the race, or will it seek to lead the human spirit from its sordid surroundings to activities that are beautiful and free, and thus add to the sum total of human happiness in the earth? There must be an education which will battle the attempts to pervert the righteous impulses of the spirit—attempts which force apology from well-meaning men and women who believe in the enrichment of human life and the improvability of the race; an education which will eventually shame and bring into disrepute the terms "races" and "peoples"; an education which will attend more vigorously to the teaching of and the training in the cardinal virtues; which will insist that one's usefulness as a teacher rests not on his ability to measure neurones or to calculate the comparative rapidity of synapses in male

and in female children, but on his power to emancipate human hearts, to give hope and a solemn sense of security to the human spirit, and to quicken the consciences of men. There will be, let us hope, an education which will train the primitive instincts to fight each other into tendencies to fight wrongs wherever found; to fight not for triumph for ourselves, but for humanity; to engage never in selfish battles, but to give ourselves and our children always in conflicts wherever humanity is to be championed; to fight to the last heart-beat that universal Christian democracy may prevail in the earth, that the children of men may forever hereafter live, move, and have their spiritual being free and peaceful.

The South's Pension and Relief Provisions for the Soldiers of the Confederacy

By William H. Glasson,
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This is a time of preparation for war. Men and munitions are being made ready, and a thousand auxiliary enterprises are under way to contribute to the success of the common cause. Among the war measures of the day, none have a greater appeal to our hearts than those which foresee the human wreckage that must inevitably result, and prepare relief and compensation. As our vigorous, upstanding young men put on their uniforms and go to the training camps, our thoughts go ahead of them across the seas to the trenches and the firing line. There some of them must suffer wounds and disease and death that victory may be won and that the honor and safety of our country may be maintained. So we have raised millions of money for the Red Cross and have enlisted the services of devoted men and women in preparing hospitals, and ambulances, and medical and surgical supplies against the death and suffering sure to come.

A measure of protection and relief that anticipates even more fully and humanely the needs of the future is the War Insurance Act signed by President Wilson a few weeks ago. This law provides separation allowances for the families or dependent relatives of our soldiers, it establishes liberal rates of compensation to soldiers who are wounded or contract disease in the military service, and it offers the men in our army and navy the opportunity to secure life or total disability insurance up to $10,000 at the lowest rates that could be obtained in time of peace by able-bodied men such as those who compose our military forces. As Secretary of the Treasury McAdoo has said, this epoch-making law affords our soldiers and sailors "the greatest measure of protection ever offered to its fighting forces by any nation in the history of the world."

At a time like this when the nation has accepted fully its responsibility toward the strong young men who are today preparing to fight our battles and, if necessary, sacrifice health or life in our righteous cause, it is fitting that we should look backward and take account of the manner in which we have discharged our responsibility to those other young men who went forth bravely and with self-sacrifice, in the early sixties, to engage in the conflicts of our Civil War. Those of us who were born after that great struggle and have grown up in time of peace have never

felt so keen an appreciation of what the gray-haired veterans did in the days of their youth as now, when we see the young men of this generation leaving school, college, business house, bank and workshop, and offering all they have for the service and defense of their country. Life is dear to these young men and its richest days are before them, yet they gladly risk their all as they answer the call to the colors. So it was with the young men of other days, with the boys who wore the blue and the boys who wore the gray.

It is now more than half a century since the soldiers of the Union and Confederate armies disbanded and returned to their homes. We are in a position to take the large view of what the Nation and the States have done for the maimed and disabled and for the widows and children of those who lost their lives. As to the Union soldiers, we may say that they have been cared for more liberally than any other soldiers up to the time of the present war. Many of the Northern States have joined the Federal Government in making grants for the relief of indigent soldiers, in maintaining great Soldiers' Homes, in providing institutions for soldiers' widows and orphans, in giving former soldiers preferment in appointments to public office, in exempting veterans from various public obligations and duties, and in providing artificial limbs and appliances for the maimed and disabled. When death has claimed the veterans, under certain circumstances the Federal Government has paid the expenses of their last illness and burial and has erected headstones to mark their graves. Many of the dead have found their last resting place in beautiful National cemeteries.

But the most important provision for the Union veterans has been in the Federal pension system. The Northern soldiers returned triumphant; they had saved the Union. Theirs was the control of the Government. And the Federal power of taxation has been used to collect from all the country—North and South alike—the billions of dollars that have been distributed to the Union veterans and their dependent relatives in the North and West. The subscriptions to the Second Liberty loan a few weeks ago amounted to $4,600,000,000. It was a great triumph of war finance. But more than five billion dollars have been paid out of the National Treasury in Federal pensions since 1865. And hundreds of millions of dollars will yet be expended in pensions to the Union veterans and their widows. In 1910 the Federal pension system distributed $4.55 of public money per capita in the District of Columbia, $4.08 in Maine, $4.04 in Vermont, $3.96 in Kansas, and $3.90 in Indiana. In the same year the per capita distribution for Federal pensions was $.19 in South Carolina, $.21 in Georgia, $.29 in Alabama, $.30 in North Carolina, and $.74 in Virginia. In 1910 South Carolina had about the

same population as Maine, New Hampshire, and Vermont taken together. In that year the Federal Government paid out $292,000 in pensions in South Carolina and in the group of New England States a total of $5,800,000. If the single Southern State contributed equally according to its population to the Federal internal revenue and customs taxes with the trio of New England States, the New Englanders enjoyed an advantage for that year of $5,500,000 in the expenditure of the Federal revenues for military pensions.

In giving the above figures, I think I may say that the South has never been hostile to liberal National provision for soldiers who were disabled in the Union armies or for the widows and orphans of the slain. Southern Senators and Representatives in Congress have willingly supported liberal expenditures for these purposes. But unfortunately the Federal pension system has been accompanied by great waste and extravagance in giving pensions to persons who had little just claim. Thus the cost of the system has been vastly increased and Southern States have had to contribute large amounts through Federal taxation for unnecessary pensions in the North and West. In so far as the Federal pension system has been used for political purposes to distribute accumulated surplus from the National Treasury, it has been a heavy and unjust drain on the financial resources of the South.

Notwithstanding the impoverished condition of the South after the Civil War and the unfairly heavy burden placed upon the Southern States by the Federal pension system, the members of the former Confederacy have not failed to undertake to provide pensions and other forms of aid and relief for the disabled and needy among their own Confederate soldiers. To the Federal pensions they were obliged to contribute from the very hour of defeat. But as soon as the South began to recover its wealth and prosperity, one by one every Southern State has established a Confederate pension system. The amounts of the pensions are small as compared with those under the Federal system, but with the increase in resources there has been a constant increase in the state appropriations for Confederate pensions. This has been true in spite of the pressing need of the South for the appropriation of public money for the support of common school and higher education, good roads, sanitation, and the protection of the public health, and for the maintenance of necessary state institutions for the dependent and defective classes.

Several years ago I made an extended inquiry into the subject of Confederate pensions in the course of which I secured information from state officials of all the eleven states which were formerly members of the Confederacy. I secured the facts as to the number of pensioners and

the amount expended in Confederate pensions in each one of these states in 1910. The result was as follows:

CONFEDERATE PENSIONS, 1910

State	*Number of Pensioners*	*Amount Expended in 1910*
Alabama	17,484	$ 857,092
Arkansas	8,764	540,000
Florida	5,905	644,606
Georgia	15,772	937,554
Louisiana	2,750	150,000
Mississippi	9,225	400,000
North Carolina	17,000	450,000
South Carolina	9,592	252,102
Tennessee	7,590	500,000
Texas	11,571	500,000
Virginia	16,000	515,000
	121,653	$ 5,746,354

Though many Southern States have increased their Confederate pension expenditures since 1910, the table is valuable as showing what was being done at that time. It is also valuable for purposes of comparison with the Federal pension expenditures in 1910, to the payment of which the South also contributed. While there were 121,653 Confederate state pensioners who received $5,746,354, there were on the rolls of the Federal Government 921,083 Union pensioners who received $159,975,000. Of the total number of Union pensioners, 75,388 resided in the former Confederate States and received a total of $12,482,000. The average Confederate pension in 1910 to the limited number of really needy veterans was $47.24 for the year. The average annual pension to the far larger list of Union pensioners was $171.90. The Union pensioners in the Southern States received on the average $165.44 in 1910.

The money for the support of the state pension systems for Confederate veterans and their widows is in some states raised by a special direct tax on assessed property. Elsewhere it is paid out of general treasury funds or by a combination of both methods. The central administration of Confederate pension laws is usually intrusted to the State Auditor, or to a state board of pensions, or to a combination of the two. Georgia and Texas each have an elective state officer known as the Commissioner of Pensions to administer the Confederate pension system.

Georgia is the state which has expended most for Confederate pensions. She passed laws in 1879 and 1887 to supply artificial limbs to disabled Confederate soldiers. In 1889 she began regular annual payments to disabled and diseased soldiers, expending $159,000 in that year.

From time to time her pension system was made more liberal. The latest exact statistics I have are those of 1916, when Georgia had 16,845 pensioners and disbursed $1,015,000. Including the year 1916, Georgia had expended nearly twenty million dollars for Confederate pensions, a great amount for a single Southern State. If she has continued to expend at the rate of over a million dollars a year, the total pension outlay is now very close to twenty-one million dollars. Some of the rates being paid by Georgia in 1916 were $150 a year for total loss of sight; for total disability for labor so as to be helpless $100; for the loss of a hand, $100; for incapacity to perform manual labor, $50; for the total loss of hearing, $30; and so on for other disabilities. Indigent Confederate soldiers and the widows of Confederate soldiers received sixty dollars a year. The rates paid for specific disabilities in Georgia are much lower than those paid under the Federal pension system. For instance, the Federal Government pays to former Union soldiers who were disabled in military service $1,200 a year for total loss of sight; $480 a year for total loss of hearing; $360 a year for loss of a hand; $360 a year for incapacity to perform manual labor; and for the loss of a thumb, $96 a year.

Next to Georgia, Alabama is the Southern State which spends the greatest total amount annually for Confederate pensions, and possibly she may have exceeded Georgia in some recent years. Florida has a comparatively small number of Confederate pensioners (4,860 in 1912) and has a special pension tax which enables her to pay more liberal rates than other Southern States. In 1912 she paid $150 a year for such serious injuries as total loss of sight, or loss of both hands or both feet, or for total disability. The Florida rate for inability to earn a livelihood by manual labor is $120 a year. Widows also receive the $120 rate. The average pension in Florida in 1912 was $121.25.

I shall not attempt here to give details regarding pensions in all the Southern States nor to take up that other form of relief which has been generally provided—homes supported by the state and by private organizations for Confederate soldiers and their widows. By 1912 all the Southern States together were spending nearly $7,000,000 a year for Confederate pensions, and, if I had more recent statistics at hand, I am sure that they would show that the amount is by this time considerably larger.

In the remainder of my paper I intend to discuss what will doubtless be of more special interest to this audience—the history of Confederate pensions and relief in North Carolina. For the facts presented in this part of my paper I am much indebted to research carried on at my suggestion by Mr. C. O. Fisher, formerly one of my students and now Presi-

dent White Fellow in Political and Social Science at Cornell University. Mr. Fisher's work was greatly facilitated through the courtesy of Mr. R. D. W. Connor, Secretary of the North Carolina Historical Commission, who gave him access to the Vance manuscripts and other valuable documents.

While the Civil War was in progress, much was done in this State for the aid and relief of the needy families of Confederate soldiers. The principal sources of aid were appropriations and supplies furnished as the result of appropriations by the State Legislature, supplementary appropriations and contributions by the counties, and gifts by voluntary organizations and individuals. Mr. Fisher has calculated that $6,020,000 was appropriated by the General Assembly during the Civil War in grants for the relief of the indigent families of soldiers. The money was apportioned to the several counties on the basis of the white population as shown in the census of 1860, and was distributed under the direction of county authorities.* For those counties whose territory was in possession of the enemy, special provision was made by which the indigent families could get their share direct from the State Treasurer. Of course these appropriations were in depreciated paper money and did not have a purchasing value corresponding to their nominal amount. The reports of the State Treasurer do not show how much was actually disbursed under the various acts. But a great deal of help was undoubtedly given to families left in distress through the loss of the breadwinner.

An even larger amount of aid was given from money raised by counties through the levying of special taxes or the sale of bonds. The records of such county disbursements are fragmentary and incomplete. Information has to be gleaned from the correspondence of the period and from newspapers. In some cases the Legislature gave special authority to counties to levy taxes or sell bonds to raise money for the relief of the families of soldiers. Usually the counties seem to have acted without special authorization from the Legislature. Sometimes money was paid out; sometimes an agent was appointed to purchase supplies and distribute them.

This method of county relief produced many inequalities. In some sections the needy received far better care than in others. For example, Wake County in 1864 distributed supplies rather than money. A lone woman received one-half bushel of meal and five pounds of bacon per month. The allowance per month to a woman with children was five pounds of bacon per head, a half bushel of meal for herself, and an addi-

*For further details, see the article by Mr. C. O. Fisher on "The Relief of Soldiers' Families in North Carolina During the Civil War" in the *South Atlantic Quarterly* for January, 1917.

tional peck of meal for each child. At her option she might take the money equivalent of the above supplies. This would not seem to give much margin above the barest necessities for the support of life. At about the same time the *Fayetteville Observer* reported that the provision made in Cumberland County for assisting the families of soldiers was so liberal that the poor of the county by their own confession had never been so well provided for as since the war. Early in 1865 Guilford County was giving $20 per month to each needy wife and $10 to each dependent child of a Confederate soldier. But prices were so high that this allowance was by no means adequate to supply the necessities of life without supplementary aid from other sources.

It is not possible to give exact information as to the total amount expended by the counties in providing for the aid of the destitute families of Confederate soldiers. In addition to the amount paid out of the receipts of ordinary or special taxation, a very large debt was incurred. Professor Hamilton of the University of North Carolina says in his "Reconstruction in North Carolina" (page 71) that at the close of the Civil War the debts of the counties incurred for the purpose of giving relief to the destitute families of soldiers amounted to more than twenty million dollars.

Large contributions for the relief of soldiers' families were also made by ladies' societies and other organizations as well as by private individuals. The proceeds of many entertainments were devoted to this worthy purpose. In Governor Vance's correspondence is a letter from Major H. A. London, dated September 28, 1863, in which he enclosed $105 which had been raised by the young ladies of Pittsboro in a musical concert given for the relief of soldiers. Hundreds of other organizations throughout the state engaged in similar work. Many private individuals honorably distinguished themselves by aiding the families of soldiers. An instance of especial interest to me is found in a letter which President Braxton Craven of Trinity College wrote Governor Vance on February 24, 1863, in which he stated that he had assumed the responsibility for supplying thirty or forty families with corn. An interesting character engaged in going from place to place to raise funds for soldiers' relief was Miss Mary Ann Buie. She stated in a letter to Governor Vance that she had collected more than half a million dollars for this purpose. So highly appreciated was her work that she was presented with a splendid silver service as a token of esteem. Others, notably Mrs. Agnes Patrick and Rev. Dr. Deems, occupied themselves in providing schools for the education of the orphan children of Confederate soldiers. These few instances of patriotic and public-spirited work by private individuals must suffice, although there were many other cases equally worthy

of mention. In general, it appears from the facts that are available to us that the people of the State during the Civil War discharged with much credit to themselves the duty of caring for the needy families of the soldiers at the front.

After the Civil War, the State was exhausted and the time was not favorable for the provision of a pension system. The first step taken was to provide artificial limbs for soldiers who had lost limbs in service. Although the nature of the arrangement is not clear, it seems certain that even before the War ended the State undertook to furnish artificial limbs at the public expense to private soldiers who needed them. Acts of the General Assembly providing for the supplying of artificial limbs by the State were ratified early in 1866. The disabled soldiers were required to come to Raleigh to have the limbs fitted, and Governor Worth secured a house in which they were able to live while there for that purpose. The railroads gave the veterans free transportation, and the Governor suggested that each one bring his basket of meat and bread with him from home. Later the State agreed to reimburse those who had purchased artificial limbs for themselves and to allow the option of the acceptance of a money commutation in place of the artificial limbs. The giving of commutation to those who had lost limbs also lead to a resolution in 1867 authorizing the payment of $70 to those who had lost both eyes. The expenditures for artificial limbs or commutation continued for many years and finally amounted to $86,000 or more.

As early as March 10, 1866, the Legislature ratified an act authorizing the Court of Pleas and Quarter Sessions of each county, a majority of justices being present, to levy and collect, as they deemed necessary, a tax for the benefit of disabled soldiers. The money collected was to be distributed as the court directed. I do not know how far this act was effective in the counties.

After March 1, 1867, there was no further legislation for Confederate soldiers until 1877. It was the Reconstruction period, and the legislatures of that decade had no great sympathy with the needs of disabled Confederate soldiers.

North Carolina made the first permanent provision for the regular payment of pensions to Confederate soldiers by an act of March 12, 1879. This act constituted the county commissioners in each county a board or committee for the relief of the blind and maimed. Soldiers who had lost their sight, or both hands, or both legs, were required to appear at the courthouse before the committee with proof that the disability was incurred in military service. The Judge of the Probate Court transmitted the names and number of the blind and disabled to the Governor. The Governor then authorized the State Treasurer to pay

to said persons the sum of $60 annually as long as they should live. In 1883 this law was amended to make the annual payment to the blind $120 instead of $60. In 1899 soldiers who had become blind since the war were given the benefit of the pension law. The rate for soldiers who had lost both feet or both arms was increased to $120 a year in 1901, and by an act of 1907 the same rate was given to a soldier who had lost one arm and one leg. These laws providing the $120 rate for the totally blind and the seriously maimed constitute a special provision for the class of veterans entitled to the most liberal treatment. The amount of the annual payments to this special class of pensioners is now not far from $13,000 a year. From 1879, when it began, to the present time, this part of the State's pension system has cost nearly $300,000. By way of comparison, it is interesting to note that soldiers who became totally blind as the result of service in the Union Army receive from the Federal Government $1,200 a year, or ten times as much as Confederate soldiers similarly afflicted.

Though the laws of the State authorized the payment of pensions to the totally blind and seriously disabled beginning with 1879, what may be called the regular pension system of the State dates from a law of 1885. This law appropriated $30,000 annually for certain classes of disabled Confederate soldiers. Widows of Confederate soldiers who had lost their lives in service were also included. It is interesting to note that Thomas Dixon, the well-known author, was in 1885, at the age of twenty-one, a member of the House of Representatives from Cleveland County and a vigorous champion of the Confederate pension law. In the Senate, one of its advocates was Judge H. G. Connor, now of the Federal Court of this district.

It is not possible for me here to go into the details of the administration and development of the pension system inaugurated in 1885. I am in hopes that Mr. Fisher, who has made a careful study of the history of the North Carolina pension system from its beginning to the present, will later publish his results. In 1888 there were 1,083 soldiers and 2,625 widows on the pension list, each of whom received the pittance of $8.25 a year. The Legislature of 1889 provided for the levying of a special State tax on property and the polls to create a pension fund. Four classes of pensioners were provided for, graded according to the seriousness of the disability. Widows were placed in the fourth class. In 1890 the amounts actually paid to the various classes were $71, $53.25, $35.50, and $17.75, respectively. As the pension list grew in numbers, not even these modest amounts could be paid in later years. In 1901 the Legislature provided that the special pension tax might be supplemented from the general fund, the total amount to be appropriated for pensions

not to exceed $200,000 a year. In 1903 a revised pension law was passed. The rates authorized for the four classes of pensioners were $72, $60, $48, and $30, provided that the pension appropriation of $200,000 a year was sufficient to pay such rates. The amount proved insufficient. In 1905 the annual appropriation was increased to $275,000, and in 1907 to $400,000. The counties of the State were authorized in 1909 to levy a special tax to raise funds to supplement the Confederate pensions paid by the State. Cumberland County had received authority to do this under an act of 1907. So far as I have been informed, it is the only county which has taken such action.

The State appropriation for Confederate pensions was raised to $450,000 in 1909 and $500,000 in 1911. In the present year it has been advanced to $575,000. There are now, according to information kindly supplied by the State Auditor, 7,099 soldiers pensioned and 5,748 widows. The rates paid to the four classes are $85, $75, $55, and $45 a year. Widows are in the fourth class, except that a small number of blind widows receive the $85 rate. In addition, about 150 totally blind or maimed soldiers receive the $120 a year rate out of the general fund. As the years pass, the number of pensioners is falling off. There are now a total of only 13,000 as compared with over 17,000 in 1911. The general pension law of 1885 and the various amendments and additions thereto down to the present time have caused the expenditure of not far from $7,300,000.

Through the efforts of the Confederate Veterans' Association and other organizations and individuals, the Legislature authorized the establishment of a Confederate Soldiers' Home in 1891 and made a small appropriation. This work had already been begun on a small scale through private initiative. Appropriations were gradually increased and better accommodations provided. The home, which is in Raleigh, now provides for about 175 veterans and the appropriations for 1917 amounted to $42,500. Inmates of the Soldiers' Home are not entitled to the benefits of the regular pension laws. But the Legislature of 1909 passed a law granting to them an annual gift of $6 to be paid in quarterly installments. I suppose this was intended to provide the veterans with spending money for tobacco and other small luxuries. The maintenance of the Soldiers' Home has cost over $500,000 down to 1917. This does not include some special appropriations for building purposes.

Mention should also be made of the establishment by the legislature of 1913 of a Confederate Woman's Home for the needy and deserving wives and widows of Confederate soldiers and for other deserving women of the Confederacy. This home has been located at Fayetteville, and I understand that after some delay it has been opened for its worthy work.

I have made a rough estimate of the amount expended by the state government for pensions and other relief to Confederate soldiers and their widows since the Civil War and through the year 1917. This includes appropriations for artificial limbs and commutation, the expenditures under the various pension laws from the beginning, and the maintenance of the Soldiers' Home at Raleigh. Some small items have doubtless been overlooked or omitted. An approximation of the total is between $8,200,000 and $8,300,000. For a single state—not one of the most wealthy in the Union—this is a large amount. It is especially creditable that so substantial a sum has been expended for this just purpose when we consider that the State has had many other pressing calls upon its treasury and that its people have been indirectly taxed for the support of the Federal pension system.

Compared with the Federal pension system, abuses have been infrequent in the payment of Confederate pensions. Doubtless there have been cases where persons who did not deserve pensions have succeeded in being placed on the roll. But on the whole payments have been confined to those who were disabled or in need. The limited size of the appropriations available has stood in the way of extravagance. There have at times been a few pauper counties which have received more in pensions than they have paid into the State Treasury in taxes, but such a condition has been the rare exception. An analysis made from the State Treasurer's report for 1914 shows the relative size of the pension appropriations and other State appropriations. In that year the appropriations for pensions and soldiers' relief of all kinds amounted to $546,000; for public schools, $736,000; for the higher institutions of learning, $446,000, for institutions for dependent and defective members of society $802,000.

As the young men of North Carolina go forth to another war, it is gratifying to know that the resources of the whole nation are now back of the compensation, relief, and insurance provisions that have been made to protect them, so far as is humanly possible, against the evils and sufferings incidental to warfare. But this fact should lend emphasis to the need and justice of doing all that the resources of our commonwealth permit for the aid and comfort of the poor and disabled among the surviving Confederate soldiers who half a century ago in the days of their youth risked their all in the service of the State.

Medical and Pharmaceutical Conditions in the Confederacy

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In presenting this paper, I wish to state in the beginning that I am more interested in collecting source material than in the analysis and presentation of it in the form of written history. The present paper is an effort to present to you some interesting facts from items in my collection. As there is source material lacking in the collection, you will find gaps in this paper. In considering the subject, Medical and Pharmaceutical Conditions in the Confederacy, with particular reference to North Carolina, some idea of the conditions prevailing during the early part of the war should be kept in mind. First, that medicines, surgical instruments, and supplies were treated as contraband of war by the United States; second, that before the war, and in the first part of it, surgeons, hospital attendants, nurses, and ambulance drivers had no status in international law other than that accorded the soldiers on the field; third, that for a part of the war prisoners were not exchanged, this fact resulting, as far as the South was concerned, in the overcrowding of prisons, thus overtaxing an inadequate supply of medicines and of foods suitable for a sick diet. It is the purpose of this paper to discuss these facts as introductory to the consideration of the general subject.

The Medical Department of the regular army of the United States at the outbreak of the Civil War was composed of:

One surgeon-general, with the rank of colonel;

Thirty surgeons, with the rank of major;

Eighty-four assistant surgeons with the rank of first lieutenant for the first five years of service; thereafter with that of captain until promoted to major.

There was no hospital corps. Nursing and hospital help was performed at first by soldiers detailed for this duty from the regular line. This Medical Department was a coördinate branch of the general staff, without its members being attached to any regiment or command. Their services could be demanded wherever needed. In short, the Medical Corps was too small for a war that developed to such huge proportions, and no adequate or suitable provision had been made for its expansion. Thus the medical staff of trained officers, 115 in all, was the nucleus of the Hospital Service for the army. From these, twenty-seven of Southern birth or sympathy resigned, three to a private practice, while twenty-four

tendered their services to the Confederacy and became in turn the nucleus of the Medical Corps of the Confederate Army. Dr. Samuel P. Moore, of South Carolina, major and surgeon of the United States Army, became Surgeon-General of the Confederate Army, and remained so during the war.

The medical corps of the Union reached ten thousand.[1] Records show that the casualties among the regular and volunteer Federal medical officers were thirty-two killed in battle, nine killed by accident, eighty-three wounded in action, of whom ten died—four in Confederate prisons, seven of yellow fever, three of cholera, and two hundred and seventy-one of other diseases incidental to camp life or exposure in the field.[2] Other facts in regard to the Federal Medical Corps are on record in the Medical and Surgical History of the War of the Rebellion, covering the period from May, 1862, to the end of the war.

When the Federal army occupied Richmond, the conflagration of April 2, 1865, destroyed the house occupied by Surgeon-General Moore, and the adjoining building, stored with his papers and records. This loss precludes a detailed statement depending upon official records. An interesting source of information can be found in the library of the University of North Carolina, the *Confederate States Medical and Surgical Journal,* including the rare number, the thirteenth, of which there are only one or two other copies in existence. This magazine was published in Richmond in 1864-5, and includes original papers, letters, and hospital reports which furnish many interesting items obtainable, so far as I know, from no other source.

Dr. Edward Warren reported the loss of valuable papers from the Medical Department of North Carolina by a band of raiders.

The organization of the Confederate Medical Department was modeled at the outbreak of the war after that of the Union Army. The medical staff was composed of three grades of rank: One surgeon-general, with rank, emoluments, and allowances of a brigadier general of cavalry; about one thousand surgeons with rank, allowances, and emoluments of a major of cavalry; and about two thousand assistant surgeons, with the rank of captain of cavalry.[3]

In 1861, Charles E. Johnson, M.D., Surgeon-General of North Carolina, published "Regulations for the Medical Department of the Military Forces of North Carolina," as follows:

REGULATIONS FOR THE MEDICAL DEPARTMENT

1. The Surgeon General, under the authority of the Governor, and the Military Laws of the State, is charged with the administrative details of the

[1]Photographic History of the Civil War, Vol. VII, p. 226.
[2]*Ibid.*, Vol. VII, p. 228.
[3]Phot. Hist. Civil War, Vol. VII, Appendix D, p. 349.

Medical Department, the government of hospitals, the regulation of the duties of Surgeons and Assistant Surgeons, and the assignment of Surgeons or Assistant Surgeons, where needed, for local or detached service. He will issue orders and instructions relating to their professional duties, and all communications from them, which require his action, will be made directly to him.

2. The medical supplies required by Surgeons and Assistant Surgeons will be obtained by a requisition on the Surgeon General, a duplicate of the requisition of the Surgeon or Assistant Surgeon being furnished to be filed.

3. When a medical officer transfers medical supplies to another, or to a different post, he will take a receipt for the same.

4. Medical officers will account for all medical supplies that come into their possession.

5. The senior medical officer of a hospital will distribute the patients, according to convenience and the nature of their complaints, into wards or divisions, under the particular charge of the Assistant Surgeons, and will visit them himself each day, as frequently as the sick or wounded may require, accompanied by the Assistant, Hospital Steward, and Nurse.

6. His prescriptions of medicine and diet are daily to be written down in a register, with the name of the patient and number of the bed; and the Assistant or Steward, in his absence, will see that the directions are carried out.

7. He will, if in charge of a hospital or post, with the approval of the commanding officer, appoint a steward, cooks, and nurses, who will be under his orders.

8. He will enforce the proper hospital regulations to promote health and prevent contagion, by ventilated and not crowded rooms, scrupulous cleanliness, changes of bed linen, etc.

9. At the Surgeon's call the sick in each company will be conducted to the hospital by the First Sergeant, who will hand to the Surgeon in his company book a list of all the sick, on which list the Surgeon shall state who are to remain or go into hospital; who are to return to quarters as sick or convalescent; what duties the convalescents in quarters are capable of, or any other information in regard to the sick of the company which he may have to communicate to the commander, and report to him. (Form 1.)

10. Soldiers in hospital, patients or attendants, except stewards, shall be mustered on the rolls of the hospital department.

11. When a patient is transferred from one hospital to another, the medical officer shall send with him an account of his case and the treatment. (Form 4.)

12. The regulations for the service of hospitals apply as far as practicable to the service in the field.

13. The senior medical officer of each hospital, post, regiment or detachment, will keep the following records: a register of patients (Form 2), a prescription and diet book (Form 3), a case book, copies of his requisitions, monthly returns of sick and wounded, an order and letter book, in which will be transcribed all orders and letters relating to his duties.

14. Ordinarily, hospital attendants are allowed as follows: to a general hospital, one steward, one nurse to ten patients, and one cook to thirty; to a post or garrison of one company, one steward, one nurse, one cook, and for every two companies more, one nurse.

15. Medical officers, in giving certificates of disability, are to take particular care in all cases which have been under their charge, and especially in epi-

lepsy, convulsions, chronic rheumatism, gout, derangement of the urinary organs, ophthalmia, ulcers, or any obscure diseases.

16. As soon as companies are organized and offered for service, the Surgeon or Assistant Surgeon will examine the members and vaccinate them, if necessary.

17. Every medical officer will report to the Surgeon-General the date when he arrives at a station, or when he leaves it, and his orders in the case.

18. Surgeons will make to the Surgeon-General a monthly return (Form 7) of the medical officers of the Command, and a consolidated monthly report of the sick and wounded from the several reports made to them; giving the disease, name, regiment and company, discharges and deaths (Form 5). Also a return of medicines, instruments, hospital stores, furniture, etc. (Form 6).

19. If it be at any time necessary to employ a private physician, the commanding officer may do it by written contract, reporting a duplicate to the Surgeon-General.

20. Assistant Surgeons will obey the orders of their Senior Surgeon; see that subordinate officers do their duty, and aid in enforcing the regulations of the hospital.

21. The Steward will take charge of all hospital stores, instruments, furniture of every description, and supplies for the sick; keep a roster of nurses and attendants; and make out returns for rations, according to the number in hospital; receive and distribute rations, and submit his book to the Surgeon, monthly, for examination, or oftener if required. He will issue the stores to nurses and cooks, and enter the amount delivered in his book. He will be responsible for furniture, bedding, cooking utensils, etc., and keep the storeroom neat and clean. (Form 6.)

22. In the management of hospitals and posts, cleanliness, order, regularity in meals, attention to cooking, and special care of the sick and wounded, are particularly enjoined upon the medical officers.

23. In passing a recruit, the medical officer is to examine him stripped; to see that he has free use of all his limbs; that his chest is ample; that his hearing, vision, and speech are perfect; and that he is not suffering from any disorder or infirmity that may unfit him for military service.

After these regulations, there was printed as a guide to surgeons, "Directions to Army Surgeons," from a pamphlet on the Hospital Brigade, by G. J. Guthrie, Surgeon-General to the British forces in the Crimean War. This was followed by types of the Eight Form Reports for the Medical Department, to be used by the practicing physicians and surgeons:

1. Morning Report of the surgeon of a regiment, post, or garrison.
2. Register of Patient and
3. Prescription Book and Diet Book.
4. Report to be sent with patients to a general hospital.
5. Discharges and Deaths.
6. Return of medicines, instruments, hospital stores, furniture, etc.
7. Monthly Report of the sick and wounded.
8. Report of recruits examined.

If these, when filled out, had not been destroyed, we would have had source material for a Medical History of the Confederacy.

The "Regulations" and the "Directions to Army Surgeons," printed in pamphlet form by Strother & Marcom, Raleigh, N. C., 1861, were used as guides for the medical forces.

LEGAL STATUS OF THE ARMY SURGEON

Previous to the War of Secession, the status of the surgeons, medical men, and hospital attendants was not clearly defined in international law nor the treatment of them differentiated from that visited upon active combatants in the practice of belligerent armies and nations. They were made prisoners of war when captured and were subjected, so far as can be ascertained, to the same treatment as the soldier in the field. Thus when attending the wounded during a battle, the surgeons, in case the enemy because of the fortunes of war were able to approach them, either had to abandon the sufferers and retire with their friends or submit to capture and afterwards undergo the hardships of imprisonment. The fears which thus assailed the medical man and the frequent abandonment and disregard of the wounded, instead of mitigating, often accentuated the horrors of war. This practice was changed in the early part of the Civil War. The incident which led to its discontinuance and which contributed to the establishment in the law of nations, as a great beneficent and humanitarian measure, of the present system which neutralizes medical men, hospital supplies, and nurses, is associated with the name of Stonewall Jackson. During the Battle of Winchester, May 25, 1862, Jackson's forces captured the Federal hospital, the doctors, attendants, nurses, and wounded. The Confederate general ordered the Federal brigade surgeon, Dr. Peale, to remain in charge of the hospital and continue his duties to the sick and wounded. Jackson then went a step further and performed one of those magnanimous acts which has endeared him to the South. The surgeons and assistant surgeons were "unconditionally released" after they had pledged themselves "on their honor" to report in person to the Secretary of War of the United States and to exercise their influence and "best efforts that the same number of medical officers of the Confederate States Army, now prisoners, or who may be hereafter taken, be released on the same terms." This was done in order that this principle should be established thereafter in the relations of the Confederacy with the United States. Jackson also felt that physicians, since they had not caused the war, and since they did not fight in the battles, should not be compelled to suffer the consequences which occurred to those who had done these things. It is not too much to claim

that the action of Jackson contributed to the foundation in the world of the Red Cross, if it did not actually originate it, as this action anticipated the first Geneva Conference by a year and the official Geneva Conference by nearly two years. It was fitting that the Confederate Government should await the action of the Washington authorities on the conduct and suggestion of Jackson.

That action came on July 6, a week after the Battle of Seven Pines or Fair Oaks, when a general order was issued from Washington to the effect that surgeons should be considered noncombatants and not sent to prison when captured. Respecting this matter, a correspondence, characterized by the utmost courtesy on both sides, followed between General McClellan and General Lee, and resulted, on July 17th, in the acceptance by General Lee for the Confederacy of the idea presented by the order as a definite policy. In the formal military regulations of the United States, this method of treating members of the medical staff was embodied in section 53 of the famous general order, No. 100, written by Francis Lieber and published by the United States Government, April 24, 1863.

HOSPITAL SERVICE

The Confederate Government followed for the most part the plan of the Union Army in the establishment of hospitals; i. e., when troops began to go into camp, at the commencement of the war, each regiment established a Regimental Hospital constructed on a general plan. When several regiments were grouped as brigades, the Regimental Hospitals were placed at one point, thus developing the Brigade Hospital system. This same plan led to the forming of Division Hospitals formed by the uniting of Brigade Hospitals. When war began it was necessary to organize other hospitals, more permanent in character, to provide for the sick, that could not be moved, for the wounded after a battle, and for those demanding protracted treatment. These were known as General Hospitals, which were in turn emptied by removing patients to points further removed from the field of action. Limitations of space forbid the tracing of this development, hampered by questions as to authority, retarded by cases of inefficiency, beset by instances of graft, up to the final organization that prevailed at the close of the war. In our State public criticism was first caused by the large number of deaths in camp from measles and pneumonia. This led to an attack on the method of appointing surgeons, and to the question of medical supplies, which at first were not in the hands of any medical department.[4] The lack of a centralized purchasing board originated difficulties then, just as now, and leads one

[4]A Plea for the Medical Staff of Our Army. E. D. Fenner, N. C. Med. Jr., 1861, Vol. III, p. 659.

to the conclusion that mankind is very slow in learning from experience. A very complete list of hospitals throughout the Confederate States is given below. The small number given for Richmond, for instance, might be misleading as to the large number of hospitals there at various times, and for that reason other lists for Richmond are appended. In fact, private hospitals became so numerous that they were ordered discontinued, none being allowed unless under the supervision of a commissioned officer with a rank not lower than that of captain (the rank of an assistant surgeon).[5]

SURGEON-GENERAL AND MEDICAL OFFICERS ON DUTY IN HIS OFFICE.

S. P. MOORE, Surgeon-General, C. S. Army.
C. H. SMITH, Surgeon, C. S. Army.
THOMAS H. WILLIAMS, Surgeon, C. S. Army.
F. SORREL, Surgeon, C. S. Army.
CHARLES BREWER, Surgeon, P. A. C. S.
HERMAN BAER, Surgeon, P. A. C. S.

MEDICAL DIRECTORS IN THE FIELD.

Surgeon L. Guild.....Army Northern Virginia.
Surgeon H. McGuire.....Ewell's Corps, Army Northern Virginia.
Surgeon J. D. S. Cullen.....Longstreet's Corps, Army Northern Virginia.
Surgeon J. W. Powell.....Hill's Corps, Army Northern Virginia.
Surgeon J. B. Fontaine.....Calvary Corps, Army Northern Virginia.
Surgeon John A. Hunter.....Beckinridge's Command, Army Northern Virginia.
Surgeon R. L. Brodie.....Beauregard's Command, Army Northern Virginia.
Surgeon T. L. Ozier, temp.....Charleston, S. C.
Surgeon A. J. Foard.....Army of Tennessee.
Surgeon J. H. Erskine.....Hindman's Corps, Army of Tennessee.
Surgeon A. L. Breysacker.....Hardee's Corps, Army of Tennessee.
Surgeon P. B. Scott.....Meridian, Miss.
Surgeon F. A. Stanford.....Wheeler's Cavalry Corps.
Surgeon J. F. Heustis.....Mobile, Ala.
Surgeon John M. Haden.....Marshall, Texas.
Surgeon J. H. Berrien.....Houston, Texas.
Surgeon J. T. Darby.....Stewart's Corps (late Polk's).
Surgeon William Jennings.....Morgan's Command.

MEDICAL DIRECTORS OF HOSPITALS.

Surgeon W. A. Carrington.....Richmond, Va.
Surgeon F. A. Ramsey.....Bristol, Tenn.
Surgeon P. E. Hines.....Raleigh, N. C.
Surgeon N. S. Crowell.....Charleston, S. C.
Surgeon S. H. Stout.....Macon, Ga.
Surgeon S. A. Smith.....Alexandria, La.
Surgeon J. F. Heustis.....Mobile, Ala.
Surgeon P. B. Scott.....Meridian, Miss.

[5]Med. and Surg. Hist. of the War of the Rebellion, Part I. Introduction, p. XXV.

MEDICAL INSPECTORS IN THE FIELD.

Surgeon W. D. Tucker.....Department of Alabama, Mississippi, and Louisiana.
Surgeon Samuel Choppin.....Department of North Carolina and Southern Virginia.
Surgeon R. J. Breckinridge.....Department of Army of Northern Virginia.
Surgeon J. W. Breedlove.....Western Virginia.
Surgeon E. N. Covey.....Virginia, Tennessee, and Georgia, and Superintendent of Vaccination of armies in these States.
Surgeon W. W. Anderson.....North Carolina, South Carolina, Alabama, Florida, Louisiana, and Mississippi, and Superintendent of Vaccination of armies in these States.

MEDICAL INSPECTORS OF HOSPITALS.

Surgeon T. C. Madison.....Petersburg, Va.
Surgeon F. Sorrell.....Richmond, Va.
Surgeon E. S. Gaillard.....Box 1150, Richmond, Va.
Surgeon R. A. Kinloch.....Charleston, S. C.
Surgeon W. M. Brown.....Morton, Miss.
Surgeon E. A. Flewellen.....Army of Tennessee.
Surgeon J. H. Morton.....Abingdon, Va.

ARMY MEDICAL BOARDS.

Surgeon A. N. Talley, *President of Board*.....Richmond, Va.
Surgeon E. Geddings, *President of Board*.....Charleston, S. C.
Surgeon W. M. Brown, *President of Board*.....General Hood's Headquarters.
Surgeon J. J. Gaenslen, *President of Board*.....General E. K. Smith's Headquarters.
Surgeon —. —. Hooper, *President of Board*....Trans-Mississippi Department.

MEDICAL PURVEYORS.

Surgeon E. W. Johns, C. S. A.....Richmond, Va.
Surgeon J. S. Johnson, P. A. C. S.....Charlotte, N. C.
Surgeon J. J. Chisolm, P. A. C. S.....Columbia, S. C.
Surgeon W. H. Priolean, P. A. C. S.....Macon, Ga.
Surgeon G. S. Blackie, P. A. C. S.....Augusta, Ga.
Surgeon W. H. Anderson, P. A. C. S.....Montgomery, Ala.
Surgeon R. Miller, P. A. C. S.....Mobile, Ala.
Surgeon R. Potts, P. A. C. S.....Montgomery, Ala.
Surgeon R. K. Taylor, P. A. C. S.....Lynchburg, Va.
Surgeon J. E. A. Davidson, P. A. C. S.....Quincy, Fla.
Surgeon H. P. Howard, P. A. C. S.....San Antonio, Texas.
Surgeon J. P. Bond, P. A. C. S.....Camden, Ark.
Surgeon H. Stockdell, P. A. C. S.....Wilmington, N. C.
Surgeon W. H. Geddings, P. A. C. S.....Army of Northern Virginia.
Surgeon W. C. Boon, P. A. C. S.....Bonham, Texas.
Surgeon R. M. Sutfield, P. A. C. S.....Columbus, Ga.
Surgeon John Clopton, P. A. C. S.....Danville, Va.
Surgeon Howard Smith, P. A. C. S.....Houston, Texas.
Surgeon E. H. C. Bailey, P. A. C. S.....Demopolis, Ala.

Surgeon Thomas Liming, P. A. C. S. ..... Charleston, S. C.
Surgeon J. W. Hines, P. A. C. S. ..... Richmond, Va.
Surgeon Bushrod Taylor, P. A. C. S. ..... Army of Valley District.
Assistant Surgeon R. Q. Stoney, P. A. C. S. ..... Savannah, Ga.
Assistant Surgeon W. Morrow, P. A. C. S. ..... Army of Tennessee.
Assistant Surgeon W. B. Robertson, P. A. C. S. ..... Wytheville, Va.
Assistant Surgeon J. C. Stickney, P. A. C. S. ..... Columbus, Ga.
Assistant Surgeon Z. B. Herndon, P. A. C. S. ..... Lake City, Fla.
Assistant Surgeon J. F. Young, P. A. C. S. ..... Columbus, Ga.
Assistant Surgeon W. H. Baldwin, P. A. C. S. ..... Houston, Texas.
Assistant Surgeon P. J. Johnson, P. A. C. S. ..... Alexandria, La.
Assistant Surgeon H. C. Rogers, P. A. C. S. ..... Shreveport, La.
Assistant Surgeon E. Cross, P. A. C. S. ..... Doaksville, N. C.

HOSPITALS IN THE CONFEDERATE STATES.

VIRGINIA.

Hospital.	*Location.*	*Medical Officer.*
Chimborazo	Richmond	Surg. J. B. McCaw.
Camp Jackson	Richmond	Surg. F. W. Hancock.
Camp Winder	Richmond	Surg. A. G. Lane.
Camp Lee	Richmond	Surg. W. P. Palmer.
Howard's Grove	Richmond	Surg. T. M. Palmer.
Stuart	Richmond	Surg. R. A. Lewis.
Louisiana	Richmond	Surg. W. C. Nichol.
General, No. 9	Richmond	Surg. J. J. Gravatt.
General, No. 13	Richmond	Surg. H. T. Barton.
General, No. 21	Richmond	Surg. G. W. Semple.
General, No. 24 (Moore)	Richmond	Surg. O. F. Manson.
General	Liberty	Surg. B. Blackford.
General	Huguenot Springs	Surg. W. T. Walker.
General	Gordonsville	Surg. B. M. Lebby.
General, No. 1	Lynchburg	Surg. G. W. Thornhill.
General, No. 2	Lynchburg	Surg. W. C. N. Randolph.
General, No. 3	Lynchburg	Surg. T. H. Fisher.
Ladies' Relief	Lynchburg	Surg. W. C. Warren.
Pratt	Lynchburg	Surg. J. H. Murray.
Way	Lynchburg	Surg. A. C. Smith.
General	Farmville	Surg. H. D. Taliaferro.
General	Danville	Surg. J. F. Fauntleroy.
General	Staunton	Surg. A. M. Fauntleroy.
Confederate States	Petersburg	
General	Petersburg	
South Carolina	Petersburg	Surg. F. Peyer Porcher.
Poplar Lawn	Petersburg	Surg. R. P. Page.
Wayside	Petersburg	Surg. M. P. Scott.
Smallpox	Petersburg	A. A. Surg. C. F. Couch.
North Carolina	Petersburg	Surg. J. G. Brodnax.
Virginia	Petersburg	Surg. J. H. Pottenger.
General	Pearisburg	Surg. T. Creigh.
General	Charlottesville	Surg. J. L. Cabell.

Hospital.	*Location.*	*Medical Officer.*
General	Montgomery Springs	Surg. J. L. Woodville.
General	Emory	Surg. J. B. Murfree.
General	Harrisonburg	Surg. A. R. Meem.
Washington	Abingdon	Surg. H. A. Blair.
Wayside	Burkeville	Dr. T. R. Blandy.
Beckinridge	Marion	Surg. R. D. Hamilton.

North Carolina.

Way, No. 5	Wilmington	Surg. J. C. Walker.
General, No. 4	Wilmington	Surg. T. R. Micks.
General, No. 5	Wilmington	Surg. H. H. J. Macon.
Way, No. 7	Tarboro	Dr. J. H. Baker.
Way, No. 1	Weldon	Surg. H. H. Hunter.
Way, No. 6	Charlotte	Surg. J. W. Ashby.
General, No. 11	Charlotte	Surg. J. W. Ashby.
General Military, No. 2	Wilson	Surg. S. S. Satchwell.
Way	Goldsboro	Dr. L. A. Stith.
General, No. 3	Goldsboro	Surg. W. A. Holt.
General, No. 7	Raleigh	Surg. E. B. Haywood.
General, No. 8	Raleigh	Surg. H. G. Leigh.
Pettigrew	Raleigh	Surg. E. B. Haywood.
Sorrel	Asheville	Surg. W. L. Hilliard.
General, No. 9	Salisbury	Asst. Surg. J. M. Fauntleroy.
General, No. 10	Salisbury	Surg. J. W. Hall.
Way, No. 3	Salisbury	Surg. J. W. Hall.
General, No. 6	Fayetteville	Surg. B. F. Fessenden.
General, No. 1	Kittrell Springs	Surg. H. F. Butt.
General, No. 12	Greensboro	Surg. W. H. Moore.
Way, No. 2	Greensboro	Surg. E. B. Holland.

South Carolina.

Ladies' General, No. 3	Columbia	Surg. R. H. Edmonds.
General, No. 1	Columbia	Surg. W. C. Horlbeck.
Second North Carolina	Columbia	Surg. A. W. Thomson.
Way	Kingsville	Surg. J. A. Pleasants.
Third North Carolina	Charleston	Surg. T. B. Memminger.
First South Carolina	Charleston	Surg. G. R. C. Todd.
First Louisiana	Charleston	Surg. R. Lebby.
General	Georgetown	Surg. B. C. Fishburne.
First Georgia	Charleston	Surg. N. H. Cumming.
Soldier's Relief	Charleston	Surg. W. H. Huger.
Way	Florence	Surg. T. A. Dargan.
Way	Greenville	Surg. G. S. Trezevant.

Georgia.

Erwin	Barnesville	Surg. J. A. Groves.
Way	Fort Gaines	Surg. E. W. McCreery.
General, No. 1	Savannah	Surg. W. G. Bulloch.

Hospital.	*Location.*	*Medical Officer.*
General, No. 2	Savannah	Surg. W. R. Waring.
General	Columbus	Surg. J. S. White.
Third Georgia	Augusta	Surg. J. F. McGeddings.
Hardee	Forsyth	Surg. William Webb.
Clayton	Forsyth	Surg. John Patterson.
General	Guyton	Surg. W. S. Lawton.
Lumpkin	Covington	Surg. E. McDonald.
Asylum	Madison	Surg. H. H. Clayton.
Kingston	Kingston	Surg. G. W. McDade.
Polk	Atlanta	Surg. R. Battey.
Bragg	Newnan	Surg. J. Gore.
Foard	Newnan	Surg. J. N. Hughes.
Buckner	Newnan	Surg. W. T. McAllister.
Cannon	LaGrange	Surg. L. W. Tuttle.
St. Mary's	LaGrange	Surg. J. M. Henson.
Law	LaGrange	Surg. A. Erskine.
Oliver	LaGrange	Surg. J. Williams.
Hood	Covington	Surg. D. H. Morrison.
Dawson	Greensboro	Surg. J. D. Smith.
Gilmer	Marietta	Surg. P. H. Otey.
Academy	Marietta	Surg. F. Hawthorne.
Foard	Marietta	Surg. J. B. Barnett.
Bell	Greensboro	Surg. H. V. Miller.
Blackie	Madison	Surg. J. T. M. Law.
Prin	Griffin	Surg. L. C. Pynchan.
Director	Griffin	Surg. R. M. Little.
Quintard	Griffin	Asst. Surg. S. V. D. Hill.
Stout	Madison	Surg. J. W. Glenn.
Newsom	Thomaston	Surg. A. Hunter.
Fairground, No. 1	near Macon	Surg. G. G. Crawford.
Fairground, No. 2	near Macon	Surg. H. W. Brown.
Empire	near Macon	Surg. W. P. Hardin.
Grant	near Macon	Surg. J. C. Mullens.
Institute	near Macon	Surg. D. C. O'Keefe.
Hill	Covington	Surg. W. H. Robertson.
Ocmulgee	Macon	Surg. S. E. Chaille.
City Hall	Macon	Surg. L. L. Saunders.
Blind School	Macon	Surg. George F. Cooper.
Floyd House	Macon	Surg. E. J. Roach.
Catoosa	Griffin	Surg. C. L. Herbert.
Medical College	near Macon	Surg. W. F. Westmoreland.
First Florida	Fort Gaines	Surg. J. F. M. Gaston.
Reid	West Point	Surg. J. W. Oslin.
Gamble	Newnan	Surg. K. C. Divine.
Marshall	Columbus	Surg. T. A. Means.
Stout	Macon	Surg. I. Parker.
Lee	Columbus	Surg. W. A. Robertson.

Alabama.

Hospital.	*Location.*	*Medical Officer.*
Nott	Mobile	Surg. G. A. Nott.
General	Mobile	Surg. W. C. Cavanaugh.
General	Greenville	Asst. Surg. R. B. Maury.
Way	Demopolis	Surg. H. Hinckley.
General	Tuscaloosa	Surg. R. N. Anderson.
General	Selma	Surg. A. Hurt.
Way	Talladega	Surg. G. S. Bryant.
General	Spring Hill	Surg. G. Owen.
General (Ross)	Mobile	Surg. S. L. Nidelet.
Way	Selma	Surg. W. Currie.
Ladies'	Montgomery	Surg. T. F. Duncan.
Stonewall	Montgomery	Surg. W. M. Cole.
Way	Eufaula	Surg. P. D. L. Baker.
General (Canty)	Mobile	Surg. W. Henderson.
General (Levart)	Mobile	Surg. R. H. Redwood.
Madison House	Montgomery	Surg. C. J. Clark.
Texas	Auburn	Asst. Surg. L. A. Bryan.
St. Mary's	Montgomery	Surg. J. H. Watters.
General	Notasulga	Surg. U. R. Jones.
Concert Hill	Montgomery	Surg. W. J. Holt.
Watts	Montgomery	Surg. F. M. Hereford.
Officers	Uniontown	Surg. G. C. Gray.
General	Shelby Springs	Surg. B. H. Thomas.

Mississippi.

General	Grenada	Surg. J. L. Thompson.
Way	Guntown	Surg. J. M. Hoyle.
	Liberty	Surg. R. L. Luckett.

Florida.

General	Quincy	Surg. J. H. Thompson.
General	Tallahassee	Surg. E. Geddings.
General	Lake City	Surg. J. S. Morel.
Way	Madison	Asst. Surg. J. Cohen.

Tennessee.

General	Bristol	Surg. R. D. Hamilton.
Hood	Bristol	Asst. Surg. J. T. Love.

MEDICAL LABORATORIES.

Surgeon A. S. Piggot, in charge at Lincolnton, N. C.
Surgeon R. M. Johnson, in charge at Tyler, Texas.
Surgeon W. H. Priolean, in charge at Macon, Ga.
Surgeon G. L. Blackie, in charge at Augusta, Ga.
Surgeon J. J. Chisolm, in charge at Columbia, S. C.

DIRECTORY FOR THE HOSPITALS

First Alabama—Broad, between Twenty-fourth and Twenty-fifth streets.
Second Alabama—Corner of Franklin and Twenty-fifth streets.
Third Alabama—Corner of Franklin and Twentieth streets.
Atkinson's—Main, between Twenty-fifth and Twenty-sixth streets.
Banner—Corner of Franklin and Nineteenth streets.
Baptist Church—Fourth Street, between Leigh and Laurel.
Bailey's—Seventh Street, between Main and Cary.
Bosher's—Corner of Ninth and Main streets.
Byrd Island—Southern terminus of Ninth Street.
Bacon & Baskerville—Cary, between Twelfth and Thirteenth.
Bellevue—Church Hill, near Twenty-second Street.
Breeden & Fox—Corner of Broad and Fourth streets.
Centenary—Basement of Cent. Ch., Grace Street.
Crawford's—Tenth, between Main and Cary streets.
Central—C. R. R. Depot, corner Seventeenth and Broad.
Christian & Lea—Twenty-fifth, between Main and Franklin.
Co. G's Hall—Twenty-eighth Street, between M and N.
Crew's—Corner of Cary and Twenty-first streets.
Chimborazo—Foot of Broad, beyond C. Hill.
College—Corner of Eleventh and Marshall streets.
Clopton's—Franklin, between Third and Fourth streets.
C. S. Naval—Governor, between Main and Franklin.
Danville W. S.—Manchester.
Dooley's—81 Main Street, below Fourteenth.
Dunlot Moncure & Co.—Corner of Eleventh and Cary.
First Georgia—Twenty-first, between Main and Cary.
Second Georgia—Twentieth, between Main and Franklin.
Third Georgia—Corner of Twenty-fourth and Franklin.
Fourth Georgia—Twenty-first, between Main and Cary.
Globe—Nineteenth between Main and Franklin.
General—Northern terminus of Second Street.
Greanor's—Twenty-first, between Main and Franklin.
Gwathmey's—Corner of Thirty-fifth and Cary.
Harrison's—Franklin, between Fourth and Fifth.
Henningsen's—Locust Alley.
Howard's—
Howard's Grove—Mechanicsville Turnpike.
Institute—Tenth, between Marshall and Clay.
Kent Paine & Co's—163 Main Street.
Keen Baldwin & Williams'—116 Main Street.
Louisiana—Western terminus of Broad Street.
Ligon's—Main Street, between Twenty-fifth and Twenty-sixth.
Moore's—
Masonic Hall—Church Hill.
Medical College—Same as "College."
Mayo & Dibbrell's—
Old Market—Corner of Seventeenth and Main streets.

Robertson's—Corner of Main and Third streets.
Richardson's—95 Main Street.
Royster's—Twenty-fifth between Main and Franklin.
Ross'—Main, between Twenty-fifth and Twenty-sixth streets.
Randolph's—Main Street, near Rockets.
Soldiers' Home—Corner of Clay and Henry.
Soldiers' Rest—Clay, between Fifth and Sixth.
Samaritan—Same as the above.
St. Frances D'Sale's—Brook Avenue.
Spotswood—Under the Spotswood Hotel.
St. Charles'—Corner of Main and Wall streets.
South Carolina—Manchester.
Seabrooks—Corner of Grace and Eighteenth streets.
Union—Corner of Nineteenth and Main streets.
Winder—Western terminus of Cary Street.

Several of the above hospitals have been discontinued, having been established for the temporary accommodation of the wounded.

In the list of Richmond hospitals, October 2, 1861, we find: Branch Hospital, 53 patients; Springfield, 17; School House, No. 1, 21; No. 2, 18; No. 3, 12; Clay, 62; Sycamore, 39; Warwick, 32.

Taken from a "List of the Wounded from the State of North Carolina in the Battle of Richmond." From June 26th to July 1st, 1862. Compiled by P. F. Pescud, Medical Purveyor of North Carolina, under the direction of Charles E. Johnson, Surgeon-General of North Carolina.

It is interesting to note that a protest against thus closing her hospital, the Robertson Hospital, corner Main and Third streets, Richmond, opened entirely at the expense of Miss Sally L. Tompkins, resulted, on appeal to President Davis, after investigation of the excellent results from this hospital, in the appointment of Miss Tompkins as captain, and thus continuing this hospital.[6]

The first military hospital organized in the State was the Pettigrew Hospital located on the old Fair Grounds at Raleigh, near the present Soldiers' Home. This was accomplished through the efforts of Dr. E. Burke Haywood.[7] W. H. Dodd was employed as druggist, Miss Mary L. Pettigrew served as matron until transferred to Chimborazo Hospital, Richmond. The first Regimental Hospital was organized by Dr. P. E. Hines, then of New Bern, later of Raleigh.[8] From the list previously given, North Carolina had its hospitals distributed as follows: three in Wilmington, one in Tarboro, one in Weldon, two in Charlotte, one in Wilson, two in Goldsboro, three in Raleigh, one in Asheville, three in Salisbury, one in Fayetteville, one at Kittrell Springs, and two in Greensboro—a total of twenty-one.

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[6]Southern Practitioner, Vol. XXXI, pp. 532, 533.
[7]R. H. Bradley in N. C. Reg. Clark, Vol. V, Addenda, p. 37.
[8]*Ibid.*

On May 22, 1861, the Medical Department of the State, appointed by the Governor with advice and consent of the Military Board, was as follows:

ARMY, SURGEONS—P. E. Hines, First Regiment Volunteers; John Johnson, Second Regiment Volunteers.

ASSISTANT SURGEONS—Joseph H. Baker, First Regiment Volunteers; John G. Hardy, John F. Miller, and Wm. S. Moody, Second Regiment Volunteers.

NAVY, SURGEONS—Edward Warren, Wyatt M. Brown.[9]

On July 19, 1862, the medical staff had this organization:[10]

Surgeon General,

CHARLES E. JOHNSON.

SURGEONS—Wm. W. Davis, Wm. L. Hilliard, Chas. J. Gee, James B. Hughes, James F. McRee, Joseph F. King, Peter W. Young, Wesley M. Campbell, Henry P. Ritter, Peter E. Hines, James Johnson, David A. Montgomery, John W. Hutchings, James A. Miller, E. Burke Haywood, Columbus Mills, James A. Bizzell, Robert J. Hicks, Pleasant A. Holt, James K. Hall, R. H. Smith, Thos. J. Boykin, Wyatt M. Brown, Robert Gibbon, Peter Custis, Samuel W. Langdon, Warren W. Ward, John Yancey, W. J. Blow, Richard B. Baker, Henry Joyner, Thurmer H. Wingfield, Francis M. Garrett, James R. Ellis, James Hickerson.

ASSISTANT SURGEONS—James M. Hines, Charles J. O'Hagan, Nathaniel M. Scales, Geo. L. Kirby, Kenneth A. Black, John K. Ruffin, Joseph H. Baker, Wm. Little, John H. McAdden, Charles Lesesne, John S. Leach, John E. Douthitt, Walter B. Mott, W. D. Whitted, Jos. W. Caldwell, Benj. A. Cheek, William R. Wilson, R. H. Shields, Robert S. Halsey, Lancaster K. Saunders, Waightstill Collett, W. S. McLean, Joseph J. Baxter, Francis N. Luckley, Wm. A. Holt, Edw. Ransom, George H. Coke, Francis M. Henderson, Harvey Hines, John F. Miller, Washington J. Busbee, Cyrus E. Worrell, John E. Logan, Daniel W. Shaw, Joseph D. Pearsall, Wm. T. Sparrow, J. F. Shoffner, James W. Tracey, John M. Lawing, Wm. L. Love, Charles Gregory, James H. Warne, Benjamin C. Wilkinson, Benjamin W. Brookshire.

DRUG CONDITIONS

At the outbreak of the war the South had practically no manufacturing chemical plants and few manufacturing pharmaceutical houses. Drugs were *contraband of war,* in spite of humanitarian efforts to legalize their importation. That such, all things being considered, was so, is surprising, and certainly made the lot of the Southern soldier and the Federals taken prisoners harder to bear. The action was a revelation of partisan feeling. The attitude of so important a body as the American Medical Association was reflected in the following resolution offered and rejected by this association in the Chicago meeting of 1863.

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[9] *State Journal,* May 22, '61.
[10] *Semi-Weekly Standard,* Raleigh, July 19, '62.

Dr. Gardner, of New York, presented the following resolutions, which he hoped would meet with the cordial approval of the association:

Whereas it is the duty and great distinction of Christian nations, and in conformity with the highest instincts of humanity, to assuage the sufferings and mitigate the horrors of war in every possible manner, in which attempt the medical profession has ever been eminently conspicuous; and

Whereas the stringency of our blockade of the Southern coast has, to a great extent, deprived the sick and wounded, the feeble babe, the helpless woman, the aged man, as well as the sufferers by wounds and disease in the ranks of our enemies, of needful appliances to relieve pain and to save life; and

Whereas, from the same cause, thousands and tens of thousands of our own brave sons and brothers, fighting for the holy cause of our glorious Union, and left wounded on the battlefield in the hands of the enemy, have been compelled to have operations performed without the relief and benefit which chloroform would bring, and have lain in suffering unto death in the hospitals of the South from the absolute destitution of the country of many needful medicines and instruments of surgery; and

Whereas these articles are in no respect to be considered as among the "sinews of war," and, as has been seen, are not material to a vigorous prosecution of rebellious warfare; and

Whereas, this Association, numbering among its lawful members the medical men of the entire thirty-four states of the Union, we deem it eminently fitting that we should urge upon the Government and the people of the United States to remember the universal brotherhood of man and the undying attributes of humanity: It is, therefore, unanimously

Resolved, That the Association request the President of the United States to take such action as shall cause all medicines and medical and surgical instruments and appliances to be excluded from the list of articles called "contraband of war," and that such articles in any quantity may be purchased by any person in any state of the Union, and may be conveyed beyond our lines under a flag of truce, after proper inspection, so as to give every necessary comfort to relieve any human suffering, whether of our own soldiers or that of the enemy.

Resolved, That a copy of the above preamble and resolution be sent to the President and heads of departments, and to each and every member of the United States Senate, and attested by the officers of this Association; and that every member be requested to use all the influence in his power in stripping this fratricidal war of some of its unnecessary horrors, and thereby to inaugurate the reëstablishment of more kindly feelings, and to smooth away some of the obstructions to the reconciliation of our misguided brethren.

Resolved, That a committee, representing every State of the Union here present, be appointed to present these resolutions to the President.[11]

Dr. Loomis, of the District of Columbia, moved to lay the whole matter on the table.

Dr. Mayburry, of Pennsylvania, moved to amend the motion to lay upon the table by adding the word "indefinitely," which amendment was accepted by Dr. Loomis, and the motion, as amended, declared carried.

[11]Transactions of the *American Medical Association.*

The supply of medicines was furnished, first, from the limited supply on hand; second, from the purchases smuggled through the Union lines or through the blockade; third, from supplies captured (in several instances in considerable quantities); and fourth, from the native medicinal plants. North Carolina was fortunate in the amounts obtained through its own blockade runner, the *Lord Clyde,* and the other boats in which it had a partial interest; particularly so in the fact that Wilmington held out so long before surrendering. In the wealth of its native plants it probably excels any other state. Surgeon Joseph Jones, of the Medical College of Georgia, in 1861 began investigations of the indigenous medicinal plants of the South.[12] The following table issued for the Confederate Government presents the drugs used. Directions for gathering and drying were distributed. Surgeons J. J. Chisolm and F. A. Porcher of South Carolina were most active in procuring supplies of these native drugs.

[12]Indigenous Remedies of the Southern Confederacy which may be employed in the Treatment of Malarial Fevers, Jos. Jones, M.D., N. C. Med. Jr., Vol. III, p. 641

Standard Supply Table of the Indigenous Remedies for Field Service and Sick in General Hospitals, Confederate States of America.

(From *Confederate States Medical and Surgical Journal.*)[13]

Botanical Names	Common Names	Medical Properties	Dose	Form
Acorus calamus,	Calumus,	Aromatic, stimulant, and stomachic,	10 to 20 grs.	Pulv.
Acorus calamus,	Calamus,	Aromatic, stimulant, and stomachic,	1 fl. drachm,	Fl. ext.
Arum tryphillum,	Wake robin or Indian turnip,	Expectorant; stim. to gland. system, lungs, and skin; in emulsion,	10 grs.	Pulv.
Aristolochia serpentaria,	Virginia snake root,	Stimulant, tonic, and diaphoretic; in infusion.	1 or 2 ozs.	Rad.
Asarum canadense,	Wild ginger,	Aromat., stimulant, tonic, and diaphoretic,	20 to 30 grs.	Rad.
Asarum canadense,	Wild ginger,	Aromat., stimulant, tonic, and diaphoretic,	½ to 1 fl. drachm,	Fl. ext.
Asclepias tuberosa,	Pleurisy root or butterfly weed,	Diaphoretic; in decoction,	1 teacupful,	Rad.
Asclepias tuberosa,	do.	Expectorant,	20 to 60 grs.	Pulv.
Capsicum,	Pepper,	External irritant,		Pod.
Capsicum,	Pepper,	Stim. stomachic; in gargles,	½ to 2 drachms,	Tinct.
Cassia marilandica,	American senna,	Cathartic; in infusion,	1 to 3 ozs.	Fol.
Cassia marilandica,	American senna,	Cathartic; in infusion,	1 to 4 drachms,	Fl. ext.
Chenopodium Anthelminticum,	Wormseed,	Anthelmintic; in emulsion with ol. ricini,		Sem.
Chimafila umbelata,	Pipsisseway,	Diuretic; in decoction,	1 pt. during 24 hours,	
Conium maculatum,	Hemlock,	Narcotic and sedative,	2 to 3 grs.	Solid ext.
Cornus florida,	Dogwood,	Tonic, astringent,	20 to 60 grs.	Pulv.
Cornus florida,	Dogwood,	Tonic, astringent, in decoction,	2 fl. ozs.	Cort.
Cornus florida,	Dogwood,	Tonic, astringent,	10 to 30 grs.	Solid ext.
Cornus florida,	Dogwood,	Tonic, astringent,	1 fl. drachm,	Co. fl. ext.
Cucurbita citrullus,	Watermelon,	Diuretic; in infusion,	Ad libitum,	Sem.
Cucurbita pepo,	Pumpkin,	Anthelmintic; in emulsion,	2 ozs.	Sem.
Cytisus scoparius,	Scotch broom,	Diuretic; in decoction,	½ to 1 pt. during 24 hours.	

[13]The spelling is retained.

STANDARD SUPPLY TABLE OF THE INDIGENOUS REMEDIES FOR FIELD SERVICE AND SICK IN GENERAL HOSPITALS—*Continued.*

BOTANICAL NAMES	COMMON NAMES	MEDICAL PROPERTIES	DOSE	FORM
Datura Stramonium,	Jamestown weed,	Narcotic; anti-spasmodic and anodyne; tict. and infusion as local application.		Fol.
Datura Stramonium,	Jamestown weed,	Internally (local applic. also for ung. stramonium,	¼ to ½ gr.	Solid ext.
Diospyros virginiana,	Persimmon,	Tonic; in comp. infusions, and gargles,		Cort.
Diospyros virginiana,	Persimmon,	Astringent,	½ to 1 drachm,	Tinct.
Diospyros virginiana,	Persimmon,	Astringent,	10 to 30 grs.	Pulv.
Erigeron philadelphicum,	Fleabane,	Diuretic; in infusion,	1 pt. during 24 hrs.	
Erigeron canadense,	Fleabane,	Diuretic and astringent in infusion,	2 to 4 fl. ozs.	Plant,
Erigeron canadense,	Fleabane,	Styptic,		Oil.
Eupatorium perfoliatum,	Boneset,	Tonic, diaphoretic; in infusion,	2 to 4 fl. ozs.	Herb.
Euphorbia ipecacuanha,	Ipecacuanha, spurge,	Emetic,	15 grs.	
Euphorbia corrollata,	Large flowery spurge,	Diaphoretic,	5 grs.	Rad.
Frasera walteri,	American Colombo,	Tonic; in infusion,	1 to 2 fl. ozs.	Rad.
Gaultheria procumbens,	Partridge berry or spicy wintergreen,	Stim. aromatic,		Oil.
Geranium maculatum,	Cranesbill,	Astringent, in decoction,	1 to 2 fl. ozs.	Rad.
Geranium maculatum,	Cranesbill,	Astringent,	10 to 15 grs.	Solid ext.
Gentian catesbei,	American gentian,	Tonic, comp. infusion,	1 to 3 fl. ozs.	Rad.
Gentian catesbei,	American gentian,	Tonic,	10 to 30 grs.	Solid ext.
Gillena trifoliata, or gillena stipulacea,	Indian physic,	Emetic,	20 to 30 grs.	Pulv.
Humulus lupulus,	Hop,	Tonic, hypnotic, in infusion,	2 fl. ozs.	
Humulus lupulus,	Hop,	Tonic, hypnotic, in infusion,	1 to 3 drachms,	Tinct.
Hyosciamus niger,	Henbane,	Anodyne, soporific,	1 to 3 grs.	Solid ext.
Hyosciamus niger,	Henbane,	Anodyne, soporific.	1 fl. drachm,	Tinct.
Juglans cinerea,	Butternut,	Aperient, cathartic,	20 to 30 grs.	Solid ext.
Juniper communis,	Juniper,	Stim. diuretic, in infusion,	1 pt. during 24 hrs.	Berry.
Laurus sassafras,	Sassafras,	Stim. aromatic, adjunct to infusion,		Cort.
Laurus sassafras,	Sassafras,	Demulcent,		Pith.
Laurus sassafras,	Sassafras,	Stim. carminative,	2 to 10 drops,	Oil.

Lavendula,	Lavender,	Stim. aromatic,	30 to 60 drops,	Comp. Spts.
Leontodon taraxacum,	Dandelion,	Alterative,	1 fl. drachm,	Fl. ext.
Liriodendron tulipfera,	Tulip tree,	Stim. tonic diaphoretic,	½ to 2 drachms,	Pulv.
Liriodendron tulipfera,	Tulip tree,	Stim. tonic diaphoretic,	1 to 3 fl. drachms,	Co. fl. ext.
Lobelia inflata,	Lobelia,	Expectorant,	1 to 3 fl. drachms,	Tinct.
Mentha piperita,	Peppermint,	Arom., stim., and antispasmodic,	1 to 3 drops,	Oil.
Mentha viridis,	Mint,	Arom., stim., in infusion,	Ad libitum,	Herb.
Monata punctata,	Horsemint,	Stim., carminative, also adjunct to liniments, internally,	2 to 3 drops,	Oil.
Panax quinquefoliun,	Ginseng,	Demulcent,		Pulv.
Papaver,	Poppy,	Anodyne, local application,		Heads.
Phytolacca decandra,	Poke root,	Alterative, for other uses, see Dispensatory.	1 to 5 grs.	Pulv.
Pincneya pubens,	Georgia bark,	Tonic and antiperiodic in infusion,	2 to 3 fl. ozs.	Cort.
Pincneya pubens,	Georgia bark,	Tonic and antiperiodic in infusion,	1 drachm,	Pulv.
Podophyllum peltatum,	May apple,	Cathartic,	5 to 15 grs.	Solid ext.
Polygala senega,	Senaka snake root,	Stim. and expectorant, in decoction,	2 fl. ozs.	Rad.
Polygala senega,	Senake snake root,	Stim. and expectorant, in decoction,	1 fl. drachm,	Syrup.
Prunus virginiana,	Wild cherry,	Tonic and sedative in infusion,	1 to 3 fl. ozs.	Cort.
Prunus virginiana,	Wild cherry,	Tonic and sedative in infusion,	½ fl. oz.	Syrup.
Quercus alba,	White oak,	Tonic, local application, fomentation, gargle, etc.		
Quercus alba,	White oak,	Astringent in decoction,		Cort.
Quercus alba,	White oak,	Astringent in decoction,	½ to 1 drachm,	Pulv.
Rhus glabra,	Sumach,	Astringent, infusion a cooling refrigerant drink in fevers, for gargles,		Berries.
Rubus villosus, or rubus trivialis,	Blackberry, or dewberry,	Tonic, astringent, in decoction,	½ to 2 fl. ozs.	Rad.
Rubus villosus, or rubus trivialis,	Blackberry, or dewberry,	Tonic, astringent, in decoction,	1 fl. drachm,	Comp. Syr.
Sabbatia angularis,	American centaury,	Tonic, in infusion,	2 fl. ozs.	Herb.
Salix albra,	White willow,	Tonic, astringent, in decoction,	2 fl. ozs.	Cort.
Salvia,	Sage,	Tonic, astringent, for gargles, etc.		Fol.
Sanguinaria canadensis,	Puccoon or blood root,	Stim., expectorant, alterative,	½ fl. drachm,	Tinct.
Sarsaparilla,	Sarsaparilla,	Alterative,	1 fl. drachm,	Fl. ext.
Sesamum indicum,	Bene plant,	Demulcent, in infusion,	Ad libitum,	Fol.
Solanum dulcamara,	Bitter-sweet or woody nightshade,	Narcotic, alterative, in decoction,	2 fl. ozs.	Herb.

STANDARD SUPPLY TABLE OF THE INDIGENOUS REMEDIES FOR FIELD SERVICE AND SICK IN GENERAL HOSPITALS—*Continued.*

BOTANICAL NAMES	COMMON NAMES	MEDICAL PROPERTIES	DOSE	FORM
Solanum dulcamara,	Bitter-sweet or woody nightshade,	Narcotic, alterative, in decoction,	5 to 10 grs.	Solid ext.
Spigelia marilandica,	Pinkroot,	Anthelimintic,	½ fl. oz.	Co. fl. ext.
Spiraoa tomentosa,	Hardhack,	Tonic, astringent,	5 to 15 grs.	Solid ext.
Statice caroliniana,	Marsh rosemary,	Astringent, in cold infusion,		Rad.
Stillingia sylvatica,	Queen's root,	Alterative, in decoction,	½ to 2 fl. ozs.	Rad.
Stillingia sylvatica,	Queen's root,	Alterative,	1 fl. drachm,	Tinct.
Symplocarpus fœtidus,	Skunk cabbage,	Antispasmodic, narcotic, expectorant,	10 to 20 grs.	Pulv.
Triosteum perfoliatum,	Fever root,	Cathartic,	10 to 20 grs.	Solid ext.
Ulmus,	Elm,	Demulcent, in infusion,	Ad libitum,	Cort.
Ulmus,	Elm,	Demulcent, in infusion,	Ad libitum,	Pulv.
Uva ursi,	Bear berry,	Astringent, tonic, with direction to urinary organs,	1 to 2 fl. ozs.	Fol.
Veratrum viride,	American Hellebore,	Sedative, expectorant, to be used with caution,	4 to 8 drops,	N'wood' tinct.

The use of these drugs, none of which were specific remedies, demanded a knowledge of botany for selection, of pharmacy for preparation, and of a physician for use. The number of men possessing this knowledge was limited, this fact adding to the scarcity of the drug supply. Under these conditions, the wonder is that the mortality in Southern hospitals and prisons was as small as it was. The prices of the smuggled drugs became exorbitant as they became more difficult to obtain.

Lincolnton, N. C., was selected as a drug laboratory, drawing on the crude drug supply of the mountains. Surgeon A. S. Piggott was in charge. Wilkesboro, Asheville, and Statesville were collecting points. The medical purveyor stationed at Charlotte seemed to have been discontinued. Other laboratories for the preparation of tinctures and extracts from indigenous drugs were located at Macon, Ga., Augusta, Ga., Columbia, S. C., and Tyler, Texas.

DRESSINGS

Some Southern cotton factories made a fairly good cloth called osnaburg, which was used for bandages. Old sheets, cotton and woolen garments were scraped by the women and used as lint. The gray moss of the eastern coast was used as a surgical packing. Raw cotton carded by hand with cards brought in through the blockade furnished a large supply of dressings. Silk for ligatures and sutures was very scarce, and surgeons had to use horse hair, cotton or flax thread. Toasting or charring was the method of sterilizing. Water dressing for large wounds, used by dripping, of itself, a necessity then, is not unlike the latest method from the present great war with the addition of its weak chlorine antiseptic.

Surgical instruments were very scarce. Among the makers in this State were Julius & Thigpen, Surgical Instrument Makers, Tarboro, N. C.

PRICES OF DRUGS, ETC

A few prices are given here, prior to 1865, when money became so depreciated that practically it was carried in baskets and the articles brought home in the buyer's pockets. These are from original invoices in my possession and are *wholesale prices.*

1862.	Soda	*9 cents per pound*
	Blue mass	$ 8.00 per pound
	Castor oil	15.00 per gallon
	Quinine	16.00 per ounce
	Castile soap	75 cents per pound

1863.	Quinine	30.00 per ounce
	Morphine	30.00 per ounce
	Soap	12 cents per pound
	Chloroform	15.00 per pound
	Alum	2.00 per pound
	Opium, camphor, mustard, soda, benzoic acid, none to be had.	
1864.	Copperas	$ 2.50 per pound
	Blue mass	16.00 per pound
	Rochelle salts	5.00 per pound
	Ex. and Henbane	3.00 per ounce
	Ex. and Gentian	3.00 per ounce
	Lard	7.00 per pound
	Cubebs	20.00 per pound
	Camphor	42.00 per pound
	Soda	*3.25 per pound*
	Combs	75.00 per dozen
	Epsom salts	4.00 per pound
	Blacking	200.00 per gross
	Tanners' oil	2.50 per gallon
	Matches	40.00 per gross
	Sugar	10.00 per pound
1865.	Copperas	4.00 per pound
	Castor oil	100.00 per gallon

The action of the State in an attempt to regulate prices in the State is given for District No. 4. These are prices paid for articles impressed for the use of the Government, for the sixty days following its announcement. The prices so established were exceeded in ordinary trade, just as the Government's coal, corn, and wheat prices are not observed today. The inclusion of only one drug bears witness to the scarcity of the usual drugs. The following list, which may be considered irrelevant, is included as a matter of interest in itself and as a basis of comparison of drugs with other commodities.

OFFICIAL SCHEDULE OF PRICES FOR NORTH CAROLINA.

PRINTED. (No date)

R. V. BLACKSTOCK,
H. K. BURGWYN,
Commissioners of Appraisement for N. C.

From marginal date, October 23, 1863. District No. 4 is selected as an illustration. The prices vary but little in the other districts.

District No. 4 is to consist of all counties west of and including said counties,[14] and in said district the prices shall be as follows:

Corn	$ 17.50	per bbl. of 5 bu. (56 lbs. to bu.)
Meal	3.65	per bu. of 68 lbs.
Bacon	1.00	per lb.
Pork, nett	60.00	per 100 lbs.
Pork, gross	50.00	per 100 lbs.
Lard	1.00	per lb.
Wheat (choice white)	5.50	per bu. of 60 lbs.
Flour (1st qual. superfine)	27.00	per bbl. of 196 lbs.
Wheat bran	.50	per bu. of 17 lbs.
Shorts	.75	per bu. of 22 lbs.
Ship stuff	1.45	per bu. of 37 lbs.
Brown stuff	.95	per bu. of 28 lbs.
Oats, sheaf	2.25	per 100 lbs.
Oats, shelled	1.75	per bu. of 32 lbs.
Rye, clean	3.50	per bu. of 56 lbs.
Peas	3.50	per bu. measured
Beans	3.50	per bu. measured
Potatoes, sweet	4.00	per bu. measured
Potatoes, Irish	2.50	per bu. measured
Dried peaches, peeled	8.50	per bu. of 38 lbs.
Dried peaches, unpeeled	4.50	per bu. of 38 lbs.
Dried apples, peeled	4.00	per bu. of 28 lbs.
Onions	6.00	per bu. measured
Hay, clean Timothy	3.00	per 100 lbs.
Other hay and fodder	2.00	per 100 lbs.
Shucks	1.50	per 100 lbs.
Straw, wheat and rye	1.00	per 100 lbs.
Pasturage 1st quality, near town, per month	7.00	per head month
Pasturage, common, near town, per month	5.00	per head month
Pasturage, 1st qual. in the country, per month	5.00	per head month
Pasturage, common, in the country, per month	3.00	per head month
Horses, extra fine,		
Horses, 1st. qual. artillery	500.00	per head
Horses, 2d qual. artillery	400.00	per head
Horses, 3d qual. artillery	300.00	per head
Mules, extra fine,		
Mules, 1st quality	500.00	per head
Mules, 2d quality	400.00	per head
Wool, fair, washed	4.00	per lb.
Wool, fair, unwashed	3.00	per lb.
Salt, dry and clean	22.00	per bu. of 50 lbs.
Soap, hard and dry	40.00	per 100 lbs.
Candles, tallow	1.00	per lb.
Vinegar, cider	.80	per gal.
Vinegar, manufactured	.40	per gal.
Whiskey and brandy	8.00	per gal.

[14]Alleghany, Watauga, McDowell, and Rutherford.

Sugar, clarified	1.75 per lb.
Sugar, fair, brown	1.25 per lb.
Sugar, coarse, damp brown	.60 per lb.
Molasses	8.50 per gal.
Syrup, from Chinese cane	5.00 per gal.
Rice	.40 per lb.
Coffee	3.50 per lb.
Tea, green	10.00 per lb.
Tea, black	7.00 per lb.
Iron, good old railroad	160.00 per ton
Iron, pig, 1st quality	125.00 per ton
Iron, pig, 2d quality	110.00 per ton
Iron, pig, 3d quality	100.00 per ton
Iron, bloom	180.00 per ton
Iron, Smith's, round, bar, and plate	380.00 per ton
Leather, harness	3.50 per lb.
Leather, sole	3.50 per lb.
Leather, upper	3.50 per lb.
Beef cattle, stall fed	.30 per lb.
Beef cattle, grass fed	.25 per lb.
Sheep, fair	25.00 per head

The following shall be uniform throughout the State:

Army woolen cloth, ¾ yd., 10 oz. to the yard	$ 4.50 per yard
Army woolen cloth, 1½ yd., 20 oz. to the yard	9.00 per yard
Flannel, ¾ yd., 6 oz. to yd	3.00 per yard
Cotton shirting, ¾ yd., 4½ yards to the pound	.50 per yard
Cotton shirting, 7/8 yd., 3¾ yards to the pound	.60 per yard
Cotton sheeting, 4-4 yd., 3 yards to the pound	.70 per yard
Cotton osnaburg, ¾ yd., 6 oz. to the yard	.75 per yard
Cotton osnaburg, 7/8 yd., 8 oz. to the yard	.60 per yard
Cotton drills, 7/8 yd., 3 yds. to the pound	.80 per yard
Cotton shirting, stripes, 3 yards to the pound	.80 per yard
Cotton tent cloths, 10 oz. to the yard	1.00 per yard
Cotton, yarn	1.50 per lb.
Cotton, raw	.50 per lb.
Army shoes	10.00 per pair
Shoe thread	6.00 per lb.
Wool socks	1.00 per pair
Baling long forage	.50 per 100 lbs.
Shelling and bagging corn, sacks furnished by Government	.05 per bushel
Hire of labor, teams, wagons, and drivers:	
Hire of 2 horse teams, wagon and driver, rations by owner	12.00 per day
Hire of 2 horse teams, wagon and driver, rations by Government	6.00 per day
Hire of 4 horse teams, wagon and driver, rations by owner	15.00 per day

Hire of 4 horse teams, wagon and driver, rations by Government	7.50 per day
Hire of 6 horse teams, wagon and driver, rations by owner	18.00 per day
Hire of 6 horse teams, wagon and driver, rations by Government	9.00 per day
Hire of laborer, rations furnished by owner	2.25 per day
Hire of laborer, rations furnished by Government	1.25 per day
Hire of laborer, rations furnished by owner	47.00 per month
Hire of laborer, rations furnished by Government	22.00 per month
Lumber	45.00 per 1,000 feet
Timber	30.00 per 1,000 feet
Wool hats	5.00 each
Quinine	42.00 per oz.

ORGANIZATIONS FOR THE AID OF SOLDIERS AND HOSPITALS

There were two Union civilian agencies that were especially active in the relief of suffering during the war. The larger one was the Sanitary Commission, and the other was the United States Christian Commission. The creation of the Sanitary Commission was due to the efforts of the women "to do their bit." [15] It met with little favor at Washington, faced the indifference of the medical corps, and hostility at the hands of the War Department. By dogged persistence it finally won over the Surgeon-General. It expended $5,000,000 in money and distributed $15,000,000 worth of supplies. The work of this commission was of the greatest value in the first two years of the war, while the inadequate medical department was growing to the degree of efficiency necessary for the army. The Christian Commission originated through the efforts of the Young Men's Christian Association of Philadelphia, through the efforts of Geo. H. Stuart, John Wannamaker, and others.[16] It collected over $5,000,000 for the relief of soldiers.

In the South there were no such organizations for the relief of soldiers. The vast amount of similar work was originated and maintained by the women of the South in volunteer aid societies. Their energy and sacrifice demands that their names be writ large in the history of the Confederacy.

In our State they volunteered early for this work. I present a few records as an exhibit of their efforts:

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[15]Meeting of Women held in N. Y., April 25, 1861. The Sanitary Commission. Holland Thompson, Phot. Hist. of the Civil War, Vol. VII, p. 328.
[16]Phot. Hist. Civil War, Vol. VII, p. 17.

GOD BLESS THE LADIES[17]

The following speaks for itself and for the brave, patriotic ladies who have set this bright example:

GREENE COUNTY, NORTH CAROLINA, April 28, 1861.

To His Excellency, JOHN W. ELLIS, *Governor of North Carolina:*

SIR:—We, the undersigned, hereby tender our service to the State as nurses, or in any other capacity in which we can aid our brave volunteers. We are willing and ready to take the field with them and there minister to the wants of the wounded. Hoping that your Excellency will accept our tender, we have the honor to be

Your Excellency's obedient servants,

SARAH CORINNE HUNNICUTT,
ANNIE E. WILLIAMS,
KATE J. RANDOLPH,
EMMA F. WILLIAMS.

THE LADIES OF RALEIGH

The ladies of Raleigh, having formed themselves into a society for the purpose, are busily engaged in contributing by their labor to the defense of the State. During last week they made and turned over to the Adjutant-General, for the use of the troops

1500 mattresses, and 600 towels for the Camp of Instruction,
300 uniform jackets,
200 uniform pantaloons,
400 fatigue shirts,
200 haversacks.

The materials were purchased mainly by contributions amongst themselves.

The basement of the new Baptist Church having been kindly tendered by Rev. Dr. Skinner for the purpose, it is occupied by the cutting and distributing department; whilst the offices of the Governor and Private Secretary in the Capitol, at first, and afterwards the Commons Hall, accommodate the sewing machine department.

In these several rooms can be seen daily the lady whose fingers have not been used to work, and the lady whose fingers yield her daily support, and in the background several free colored women whose services were voluntarily tendered—all laboring earnestly in the patriotic work and contributing to the comfort of their gallant defenders.

WILMINGTON, August 7, 1861.[18]

Editors of the Journal:—In accordance with the notice given in the Journal some days ago, a meeting was held yesterday morning at the City Hall for the purpose of organizing a "Soldiers' Aid Society of the Ladies of Wilmington." The meeting was opened with prayer by Rev. Mr. Guthrie; a constitution was then submitted by Rev. Mr. Drane, and adopted by a unanimous vote. The objects of the Society are thereby declared to be "to give system and increased efficiency to the efforts now being made, or hereafter to be made, to aid our absent volunteers, and to provide, as far as practicable, for the wants of those who may be visited by disease, or wounded in battle."

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[17] *State Journal,* May 8, 1861.
[18] *The State Journal,* Sept. 4, 1861.

The following ladies were then elected officers of the Society:

MRS. A. J. DEROSSET, *President*
MRS. DR. DIXON, *Vice-President.*
MRS. GASTON MEARES, *Secretary.*
MRS. J. H. RUSSELL, *Treasurer.*

MRS. LYONS,
MRS. STEVENSON,
MRS. DRANE,
MRS. THOMAS,
MRS. BOWDEN,
MRS. HART,
MRS. C. H. ROBINSON,
MRS. MCGUIRE,
MISS ELBY ELLIS,
Executive Committee.

Being desirous of affording information to all interested, and also of inviting the coöperation of friends of the cause in remote parts of our own, as well as the adjoining counties, the committee have thought it advisable to request you to give publication to such of the proceedings as seem necessary to secure these objects.

As it is desired to conduct the operations of the Society on a scale in some degree commensurate with its importance subscriptions in money, articles of clothing, worn or half-worn, bedding and blankets, nourishment and delicacies for the sick, etc., etc., are solicited from all sources and in quantities, however small. They may be sent to the ladies at the City Hall, or to any member of the Executive Committee, and all such subscribers' names shall, by the Constitution, be enrolled as members of the Society.

It has been suggested that all those ladies who have received donations, or collected funds for the benefit of the soldiers, might find their object promoted by merging their cause, as well as their purse, into that of the Society. The committee also requests the captains of the various companies in our immediate vicinity to make known to them the wants of the men under their command, and so far as practicable they shall be promptly and efficiently cared for.

Any information that may be desired by friends in the country will be cheerfully given by corresponding with the Secretary.

FOR THE SOLDIERS

Sheriff High acknowledges the following contributions:

Mrs. Kenneth Raynor, four blankets; Mrs. Jno. H. Bryan, Raleigh, six blankets; Mrs. W. J. Brown, Wake, a pair of blankets and two pair of cotton socks; Mrs. Mary Shepard, Raleigh, one pair of blankets, four pair of yarn socks, one flannel shirt and a pair of drawers; Miss Emma Hunter, three blankets and three pair of socks.

PUBLIC MEETING IN RANDOLPH[19]

A number of the citizens of Randolph County, N. C., feeling it their duty to contribute clothing for the comfort of our gallant volunteers, assembled at Fox's Store, Sandy Creek, in said county, on the 5th of September, 1861, for the purpose of devising some expedient way for making a contribution of clothing and delivering said clothing to our volunteers.

[19]The *North Carolina Standard,* September 18, 1861.

On motion of John Fruit, Esq., Dr. M. L. Fox was called to the chair, and S. C. Fox, Esq., was appointed Secretary.

The Chairman explained the object of the meeting, after which Rev. T. Crouse, John Fruit, Esq., and Wm. R. McMasters, Esq., were appointed a committee to report resolutions expressive of the feeling of this meeting, and the manner in which contributions are to be made by us to our volunteers.

After a short retirement of the committee they reported the following resolutions:

Resolved, That we heartily sympathize with our brave volunteers, who have forsaken their homes and all dear to them, to fight not only for their rights, but also for ours; and that we feel it our sacred duty to contribute freely for their comfort during their service in the defense of our common country.

Resolved, That we will liberally contribute woolen blankets, woolen shirts, woolen drawers, woolen socks, and woolen gloves for Captain Odell's, Captain Gray's, and Captain Worth's companies—volunteers from Randolph County, in the 12th Regiment N. C. Volunteers.

Resolved, That S. C. Fox be appointed to receive the clothing furnished, and that he keep a list of the names of those who furnish articles of clothing; also who it is for.

Resolved, That all donors having a preference, mark the names on the articles of clothing furnished, and that all articles without a preference be given to those most needy in said companies.

Resolved, That we will, whenever we are informed that it is necessary, do a liberal part toward furnishing our volunteers with clothing.

Resolved, That a suitable person be appointed as agent to deliver articles of clothing to our volunteers.

Resolved, That a copy of the proceedings of this meeting with the request to publish them, be sent to the editors of the North Carolina *Standard* and Greensboro *Patriot*.

The above resolutions were received and adopted.

John Fruit, Esq., was appointed agent to deliver the clothing to the volunteers, after which the meeting adjourned.

S. C. Fox, *Secretary*. M. L. Fox, *Chairman*.

ANOTHER LOT FOR THE SOLDIERS[20]

Sheriff High has received the following:

Mrs. O. D. Lipscomb, of Raleigh, four pair of drawers, four pair of socks and four blankets; Mrs. H. L. Evans, two blankets and two pair of socks; Mrs. L. Marling, one flannel shirt, six pair of socks and soap; Mrs. E. Marks, Upchurch, four pair of socks; Mrs. Sarah L. Hogg, two dozen pair socks and two blankets; Dr. T. Hogg's children, fourteen pair socks and two blankets; Miss Maria T. Haywood, two blankets; Mrs. A. M. Gorman, two blankets and three pair of socks; W. H. High, Jr., two blankets; Mrs. H. A. Depkin, nine pair socks; Mrs. John O'Rorke, one blanket, two pair socks and soap; Mrs. Sallie Miller, one blanket, a pair of socks and four cotton protectors for the lungs; Miss Jane Ruth, a blanket, a pair of socks and four protectors; Mrs. Elizabeth H. Poole, one blanket, two pair socks and four protectors; Mrs.

[20]*The State Journal*, September 25, 1861.

A. J. Foster, Wakefield, two blankets and twenty-nine pounds of soap, twenty years old; Mrs. Fenton Foster, one pair of socks and fourteen pounds of soap; Mrs. G. H. Wilder, of Wake, four blankets; Mrs. Gilly Jeffries, four pair of socks; Miss Pauline Jeffries, two pair of socks; Mrs. J. Robert Jeffries, three blankets and two pair of socks; Mrs. Jackson Hopkins, one pair socks; Mrs. Benjamin Marriott, two blankets, seven pair socks, two flannel shirts, and two pair flannel drawers; Mrs. Isaac Proctor, Wake, two blankets, three pair socks, two pair flannel drawers, and sixteen cotton protectors for the lungs.

BLANKETS AND SOCKS FOR THE SOLDIERS[21]

Mrs. Haywood Griffice, three pair socks; Mrs. Wm. R. Cox, eighteen blankets, thirty pair socks, and soap; Miss Eliza Jones, two pair socks; Miss Jinne S. Dunn, three blankets, six towels, and five pair of socks; Miss Jinnie C. Royster, three pair socks; Miss Emily Newlin, one pair socks; Mrs. A. T. Mial, twenty-five pair socks and four blankets; Master Ivan Marriott Proctor, three pair socks; Mrs. David Gill, twelve pair socks; Miss Mary E. Hicks, two pair socks; Mrs. Margaret A. McPheeters, one blanket and seven pair socks; Mrs. Rufus H. Jones, thirty pair of drawers of home-made flannel; Miss Maggie Moore, eight pair socks; Mrs. Needham Price, fifty pair socks; Mrs. M. A. Prendergast, 8 pair socks; Miss Helen Litchford, 5 pair socks; Mrs. Mollie Spellman, 6 pair socks and six shirts; Mrs. W. T. Bain, two blankets; two pair socks and two neck comforts; Master Eddie Cantwell, one blanket; Frederick Cantwell, one blanket; Mrs. E. M. Little, two blankets and four pair socks; Mrs. Wilbert C. Page, three pairs of socks and soap; Mrs. Fannie A. Page, three pair socks; Mrs. Jordan Womble, six pair socks. For Captain Grissom's Company—Ten pair of socks from John J. Holloway; David Beek, five pair; Phinneas Glenn, five pair; John W. Keith, five pair; John Colclough, five pair; William R. Tate, two blankets and two pair socks; B. J. Rogers, four pair socks; Major Sharron, one pair socks; Chesley Jones, one blanket and one pair socks; Miss Carolina O. Rogers, two pair socks; Miss Nancy M. Jones, one pair socks; Mrs. Pelig Rogers, two blankets and five pair socks; Mrs. Mary E. Piper, three pair socks; Miss Lucy Piper, two pair socks; Miss Agnes Hutcherson, four pair socks; Miss Sallie Yerby, one pair socks; Mrs. Eliza H. Jones, three pair socks; Miss Lucy A. Nipper, one pair socks; Mrs. Mary L. Bledsoe, four pair socks; Miss Lucy N. Bledsoe, two pair socks; Miss Caroline O. Pope, one pair socks; Miss Delila Nipper, six pair socks; Mrs. Rachael M. Spain, three pair socks; Mary J. H. Pope, one pair socks; Martha H. Pope, one pair socks; Mrs. Henry E. Holloway, three pair socks; Misses Caroline H. and Maria J. Ross, seven pair socks; Miss Lucy Ann Cawthon, two pair socks; Mrs. John J. Lee, three pair; Mrs. Dr. B. T. Graham, one pair; Mrs. R. A. Thompson, one pair; Maggie H. Lynn, two pair socks; Mrs. W. B. May, one pair socks; Mrs. J. T. Hunter, two pair socks.

Knowing the ladies are anxious to furnish our Wake soldiers two pair of socks apiece, I will state for their benefit what I have received in contributions, also the number of men under arms: 1,400 soldiers in service; pairs of socks received, 865; blankets, 226; shirts, 70; drawers, 80; 1 coat, 1 pair pants, 20 towels.

Sheriff High.

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[21]The *North Carolina Standard*, November 6, 1861.

CONTRIBUTIONS FOR THE SOLDIERS[22]

The following contributions for our North Carolina troops have been registered at Richmond from this State since our last notice:

Sergt. H. P. Allen, for North Carolina contributors, $1,800 worth of clothing; A. H. Staten and Mr. Bennett, $600 worth of clothing to 1st N. C. State Troops; Messrs. Brown, Adams, and Haigler, $2,000 to 1st N. C. Cavalry and 1st State Troops; Messrs. Lane, Welch, Keener, Moody, Painter & McMinn, $10,000 worth of clothing to 6th N. C. State Troops; Mr. Michael, $750 worth of clothing to 11th N. C. Regiment; H. Sawyer, $600 to 2d N. C. State Troops; George and John Sawyer, $200 to 5th Regiment, N. C.; G. W. Blackman; $3,830 to the 13th N. C. Troops; J. W. Evans, $200 to 6th N. C. Troops; L. W. Gilbert, $770 to 12th Regiment; J. D. Lanier and N. Douglas, $2,000 to 5th State Troops; Mr. McClenahan, $250 to 5th State Troops; S. W. Nailor, Samuel Rose, J. S. Smith, and John Quittlebaum, $8,800 to 4th State Troops; R. N. A. Palmer, $1,500 to 12th Regiment; A. J. Rigsby, $300 to 5th State Troops; S. R. Street, $1,500 to 2d State Troops; R. B. Wyatt, $175 to 2d State Troops; John Fleming, $1,700 to 13th N. C. Troops; J. H. Lindsy, $1,327 to 12th Regiment; Dr. McDaniel, $2,500 to the 4th and 11th Regiments; R. B. Paschal and W. D. Tyson, $5,000 to 5th and 26th Regiments; William Peele and others, $400 to the 2d Regiment; M. D. Smith, $1,100 to the 11th Regiment; May Warren, $600 to 4th Regiment; S. H. Hand, $1,300 to 11th N. C. Troops; Samuel P. Hill, $500 in money to the 6th; M. C. Winston, $200 to 5th State Troops; T. Jeff Utley, *$20,000 to Colonels Tew's, Meares', and Stokes' regiments.*

MORE AID FOR THE SOLDIERS.—TABLEAUX.—We are requested to state that a series of Tableaux are in rehearsal by the ladies of Raleigh, and will be exhibited on Friday evening next, the proceeds of the exhibition to be devoted to the comfort of our troops. The place of exhibition will be duly announced.[23]

In conclusion, I briefly state the aid given the medical corps by Mr. R. B. Saunders, a druggist of Chapel Hill. Mr. Saunders enlisted in his home company, the Orange Light Infantry, and was appointed to go to Raleigh to plead for guns necessary for its equipment. When the company had served its time of enlistment, he was arranging to reënlist when persuaded by Governor Ellis to open a laboratory for the manufacture of medicines. This was located on the main street of Chapel Hill just opposite the entrance to the campus. The chief article manufactured was blue mass. A trough with a ball drawn around by a horse was used in grinding the ingredients. Honey was procured from the farmers; rose leaves gathered by the ladies of Chapel Hill. The mercury was bought by him at auction in Wilmington and Charleston, whither he went on notice that consignments had come in through the blockade. He put the blue mass up in jars made from clay in Chatham County, and

[22]*North Carolina Standard*, November 6, 1861.
[23]*The State Journal*, December 4, 1861.

also in hog bladders. Among other preparations he also made a tonic called American Bitters, and a lime sulphur lotion. The extent of his manufacturing can be seen from letters quoting blue mass in lots of 500 to 1,000 pounds. The last letter of his that I have, written to Williams & Haywood, of Raleigh, will bring back many memories of those in the wake of Wheeler's Cavalry. It says: "I have only 58 lbs. of blue mass on hand. I don't know when I can make any more. The Government has taken the horse with which I worked my machinery."

The Raising, Organization, and Equipment of North Carolina Troops During the Civil War

BY WALTER CLARK,
CHIEF JUSTICE OF NORTH CAROLINA SUPREME COURT.

When Sir Walter Scott issued the first of his novels in 1805 it dealt with the war of 1745, the last attempt of the Stuarts to regain the throne, and he entitled it "Waverley, or 'Tis 60 Years Since." It is almost sixty years since our great struggle began in 1861, and it would be far easier for a great writer like Scott to clothe the palpable and familiar with the glamor of romance than it is to present to this generation an accurate, lifelike picture of the supreme effort of North Carolina in 1861-5.

As compared with the great world struggle now in progress the War of 1861-5 seems small, but up to that time it was the greatest which the world had known. It lasted for four years, and the Federals first and last put into line 2,850,000 soldiers. On the Southern side there were between six hundred and eight hundred thousand. The exact number cannot be settled, for our records have been largely lost. It is safe to say that no war was ever entered into with greater unpreparedness on both sides. When the South went in she had no government but had to form one. It had not a soldier but had to call out an army, clothe, arm, and discipline it. It had no treasury and not a dollar to put in it. It was without factories to make munitions or arms and without adequate facilities to clothe or feed the troops, for we had relied for years upon the North for manufactured articles and upon the Northwest for meat and corn and flour.

The North had as a nucleus a small army and a navy, an organized government and a treasury. But the state of unpreparedness on both sides was beyond description. After the first battle of Mannassas the Confederate Government notified the Governor of this State that there was not enough powder in the Confederacy for another day's battle. This may be one of the reasons why the Confederates did not pursue their advantage by capturing Washington. So little aware was the North of the magnitude of the struggle that many of their regiments then, and even later, were "100 days men," enlisted for that period, with the impression that the Rebellion could be put down in that time, and by undrilled men. In North Carolina the first regiment we sent out, the "Bethel Regiment," of glorious memory, commanded by Col. (later Lieut. General) D. H. Hill, was enlisted for six months, and the rest of

our regiments for twelve months, except the ten State regiments which, with a foresight not shown probably by any other Southern State, were enlisted for "three years, or the war." These regiments were officered by appointment of the Governor, while the others, which were volunteer regiments, elected their own officers.

The condition of things in the spring of 1861 would be hard to describe. Though South Carolina seceded on 20 December, and other Southern States followed in January and February, and the new hostile government inaugurated its president at Montgomery, 22 February, 1861, General Lee accepted promotion from the Federal Government in the latter part of March, and did not resign till after Virginia seceded on 23 April. In the meantime hostilities had been begun by the attack on Fort Sumter on 12 April, and prior to that time the *Star of the West* had been fired on in an attempt to enter Charleston harbor. Indeed there were officers afterwards prominent in the Confederate Army who did not leave the United States service till May. General Martin, afterwards so conspicuous in organizing men and material for North Carolina, did not resign from the United States Army till our Ordinance of Secession was enacted, 20 May. And on his way home from his distant post in Kansas he met on the train his old army friend, U. S. Grant, and traveled amicably with him through Illinois and Indiana to Cincinnati, Ohio.

The utter inability of the people of both sections to understand the magnitude and duration of the struggle before them, added to the utter lack of preparedness on both sides, is shown by a common saying by speakers on both sides in raising volunteers, that they would "contract to wipe up all the blood that would be spilled with a silk pocket handkerchief." This was true of the Confederate Government, which persistently refused, in the summer of 1861, to negotiate a loan of six hundred millions of dollars which was tendered by capitalists in Europe, and President Davis gave positive instructions that in no event should more than $15,000,000 be accepted. If the loan had been taken, of the magnitude offered, the Confederacy would early have been supplied with ammunition, arms, provisions, and a navy, and the blockade later, to which we owed our defeat, would have been impossible. It is quite clear that it was the failure of the Confederate officials to take this step of preparedness, even at that late date, which rendered vain the valor of our troops and the genius of our generals. Indeed, aside from the preparedness which we could even then have made, the European governments would have intervened, if necessary, to have preserved the investment of their capitalists in the $600,000,000 loan which would have been taken if secured on cotton.

There can hardly be an incident in history of equal want of preparedness except in our War of 1812, when a force of 4,000 British soldiers, returning from the West Indies, landed at Point Lookout at the mouth of the Potomac, 2,500 of whom defeated the American Volunteers at Bladenboro, when President Madison (a signer of the Declaration of Independence) and the Secretary of War, Monroe (a soldier of the Revolution), were present. It is said that 250 men of the British army composed the force that captured Washington, burned the Capitol and the White House and destroyed public property, and that our Capital City was held that night by one single British soldier as a sentry on Capitol Hill.

In North Carolina, though we did not secede till 20 May, the Legislature which met 1 May provided for the raising of ten regiments "for three years, or the war," for the raising of volunteers and organization for the coming struggle. In a short time General Martin was made Adjutant General, Major John Devereux, Quartermaster, and Major Thomas D. Hogg, Commissary. At once steps were taken to procure supplies. Horses for the cavalry and transport service were brought from Kentucky, which was then still neutral ground, and were hurried in droves through the mountains. Saddles and harness material were secured by special agents in New Orleans and rushed to Raleigh by rail. Powder works and arsenals for the manufacture and remodeling of arms were created. Thirty-seven thousand muskets were taken possession of by the State in the capture of the arsenal at Fayetteville. These were mostly flint and steel, and skilled workmen were secured to turn them into percussion weapons, but even then so scarce was the supply of guns that we manufactured a large number of pikes, which were wooden poles shod at one end with iron (samples of which can be seen in your Historical Museum), and with these some organizations were equipped while others were entirely unarmed. Indeed, it was not until after several victories that, by the capture of arms and munitions, especially by the careful gathering up of the arms thrown away by the Northern troops in flight, we were able adequately to equip our soldiers. In fact, it was not until after the "Seven Days Battles Around Richmond," in June and July, 1862, that, by means of the large captures of guns and cannon, the South was at all able to adequately equip its soldiers. During the entire war a large part of our equipment of arms and munitions consisted of those taken from the enemy.

In May, 1861, the State established camps of instruction at various points, and skilled armorers were gradually educated, by the aid of the few we had, to make sabres, bayonets, and swords. For a long while percussion caps were made by a private firm (Kuester) in Raleigh.

Shoes and clothing factories were located at several points in the State. Quartermaster, commissary, and ordnance stores were collected, and cannon were provided for the artillery largely by melting down the church bells, which source of supply was supplemented from time to time by captures from the enemy.

The energy and ability shown by North Carolina in these preparations were very remarkable, and showed the innate ability of our population.

The most remarkable instance in this line was the purchase by the State in 1862 of the *Ad-Vance* and three other vessels and the sending by this State of Mr. John White of Warrenton and Col. Duncan K. McRae to sell cotton and purchase supplies for our soldiers. No other State did this, nor did the Confederate Government. It is doubtful whether the State could either have clothed or fed its people but for this enterprise. The list of importations is a curious one and reflects the needs of the State. From the records now being compiled by Dr. D. H. Hill we find that ordnance stores to the amount of $488,000 and cotton cards to the value of $594,000 was brought into Wilmington. It was through these cotton and wool cards that the women of the State were able to clothe their families during the last two years of the war. Even the tacks with which these cards were fastened to the wooden handles had to be imported with them. Among the importations were cloth for uniforms, overcoats, jackets, trousers, caps, shoes, boots, sacks, angora skirts, oil cloth, oil, tape, thread, buttons, paper, calf skins, leather, medicines, dyes, belting, cobbler's awls, needles, bleaching powders, buckles, scythe blades, iron, copper, wire, nails, and many other articles.

Most of the imported cloth was manufactured into uniforms for the men or sold to the officers. This work was done in a most systematic manner. The manufacturing establishment at Raleigh was presided over by Capt. J. W. Garrett, and afterwards by Major W. W. Pierce and Major H. A. Dowd. It was in the Quartermaster's Department, of which Major John Devereux had general supervision. The clothing was cut by expert tailors and then given out to women to be made into garments. Some of the material was shipped to various towns in the State and made up by clubs of women and shipped back. Blockade running was not only an absolute necessity to the State but was a success financially, for on 9 March, 1865, near the end of the war, the business showed a profit of $1,325,000. This was largely made of course by the difference between the price paid by the State for cotton and the value of the articles brought back by the steamers on their return voyages to the State. The steamers ran the blockade from Wilmington nearly due south to Nassau, in the Bahamas, to which point the supplies were brought without risk from England and stored.

Not only were the North Carolina troops supplied with uniforms but a very large part of the cloth and the uniforms were sold to the Confederate Government. When Longstreet's corps were sent to the west, where it enabled the army to win the victory at Chicamauga, it was furnished with new clothing almost entirely from North Carolina, both for the men and officers.

The greater portion of the medical supplies for the Southern army was thus brought in by the North Carolina blockading steamers, and was unobtainable otherwise.

Major T. D. Hogg, who was head of the Ordnance Department and later of the Commissary Department of the State, kept on hand, as he said, "Everything from frying pans to cannon," and the department supplied every conceivable article to the army. In the Ordnance Department the State was constantly manufacturing or remodeling arms and repairing and putting into condition those captured from time to time from the enemy or picked up on the battle-field. Nitre for gunpowder was obtained mostly by digging up the ground in the smokehouses throughout the State and leaching out the nitre.

The State contracted with the Confederate Government to make all the clothing for the North Carolina troops after they were turned over to the Confederacy. During the first winter of 1861-1862 there was so large a rush of men to arms that the soldiers suffered considerably from cold. So great was the destitution that the women of the State, as patriotic then as now, took up the carpets from their floors, cut them up and lined them with coarse cloth and sent them on to the troops to use as blankets. Agents were sent as far South as New Orleans, and these also scoured the State, to buy blankets and warm clothes for the North Carolina troops.

Not only did the State make clothing but it went into the manufacture of arms, and at the Fayetteville arsenal thousands of good rifles were made. Later, rifle factories were established as private enterprises at Jamestown, Greensboro, and other points, and a firm in Wilmington made sabres and bayonets. A boring machine was devised by which smooth-bore muskets were turned into rifles, and thousands of antiquated muskets were changed from flint and steel to percussion locks.

The State also arranged with manufacturers at many points in this State to go into the manufacture of shoes. To some of these the State furnished the hides, and in many cases the State bought green hides and had them tanned on shares. Agents were sent into all the western counties to buy hides, leather, and wool. These were collected and hauled to the manufacturers, to a very large amount in wagons, or accumulated in warehouses, for it must be remembered at that time we had not more than a third of our present railroad mileage.

To keep on hand a large supply of cotton goods, the State agreed to take the total output of many of the cotton mills and pay them 75 per cent profit. The lack of clothing among the people at home became so severe that certain days were set apart on which the output of the mills might be sold, and on those days large numbers of women came from all quarters to buy the cotton yarns or cloth. In some cases they walked even ten or twelve miles and carried their yarn and cloth home on their backs, and sometimes in carts or wagons.

Time fails me to go into all the various enterprises which the State inaugurated to support its armies in the field. Details are largely given by Major A. Gordon and Major W. A. Graham of the Adjutant General's Department in the First Volume of the "N. C. Regimental Histories." A committee was appointed in 1867 to ascertain the amount expended by this State in aid of the war, composed of J. C. Harper, R. H. Battle, and H. W. Husted, whose report shows that the State expended for military purposes alone, to carry on the war (leaving out the last three months, for which the records were lost), more than $37,000,000. While part of this was in Confederate currency it is fair to estimate that full $20,000,000 was furnished by this State for that purpose. This was exclusive of the amounts which were spent by the several counties for the relief of the widows, wives, and children of the soldiers and to relieve distress among the old and infirm. The State established salt works on the coast and also took part in the manufacture of salt at Saltville, in Southwest Virginia. By this means it kept the State, and especially the country districts, supplied with that indispensable article.

In addition to these expenditures the State used a large sum in the blockade business. In that business the State imported $5,947,000 of goods, in addition to the cost of the steamer *Ad. Vance* and our three other vessels, the *Don,* the *Hansa,* and the *Annie.*

These various enterprises were largely suggested by and due to the energy of Gen. James G. Martin, who had seen service in the Quartermaster's Department of the United States Army, but he was most ably seconded by Major John Devereux, Major T. D. Hogg, and the other officials under him. Governor Vance, being the Governor of the State at that time, assumed the responsibility for the *Ad. Vance* and the entire system by which the State imported these necessary articles, and he did so against the advice of eminent counsel who assured him that such action would make him liable for impeachment. He reaped his reward in the approval of the soldiery, whom he kept warm and supplied with clothing, food, and other necessaries, and in the remembrance of the people at home whom he supplied with salt and other necessary articles, and he won the lasting gratitude of the women to whom he furnished the cotton

cards which enabled them to clothe themselves and children, and this made him after the war invincible in the hearts of the people of North Carolina.

The "blockade-running" enterprise of this State was not adopted by any other Southern State nor, strange to say, by the Confederate Government, to whom the State turned over a large part of the supplies it received by these methods. When the war ended North Carolina still had on hand here and in London many thousand bales of cotton which it had bought for this trade and the largest supply of English cloth for soldiers and officers, which were stored at Greensboro. The enterprise was successful till September, 1864, when the Confederate Government, having taken for a cruiser the supply of anthracite coal brought from England which the *Ad. Vance** had stored up in Wilmington for her own use, she was forced to use the bituminous and inferior coal from Chatham County, and the black trail of smoke that she made and a lowered speed caused her capture.

As to provisions, so large a part of Virginia was occupied by the enemy and the other Southern States being less fitted for raising corn and farther from Lee's army, more than half of the supplies of that army came from North Carolina. Major Hogg, the Commissary of this State, said that in the spring of 1865 North Carolina was feeding more than half of Lee's army.

It is to be remembered that the taxes of the Confederacy were largely levied in kind by the tithing bureau which received from each farm one-tenth of all the meat, corn, and other provisions raised which were put into the tithing warehouses and thence transported to the army from time to time as needed. There were tithing agents in each neighborhood who saw to it that the farmer turned over to the Government one-tenth of his produce, and over him was a tithing agent in each county. In a time of depreciated currency, and of an imperative demand for provisions by the army, no better system probably could have been devised.

The Confederate conscript law was adopted early in 1862 by which all men between 18 and 35 were taken for the army, with certain exemptions, on account of disability and public service. The age later was changed from 18 to 45. In the spring of 1864 the necessity of filling the ranks was such that boys from 17 to 18 were conscripted and formed into regiments and battalions of Junior Reserves, and those from 45 to 50 were likewise formed into Senior Reserves.

Nor should mention be omitted of the large supplies which were sent by the women of the State from their scanty stores to their relatives in

*NOTE.—This name was a pun. The vessel was primarily named Ad-Vance, i. e., "to-Vance," and the "Advance" or *first*—never A. D. Vance.

the army. During the last three months of 1864, as Pollard's History states, $325,000 worth of supplies passed through the office in Richmond sent by the women of this State direct to our soldiers in our time of greatest destitution, in addition to what the State Government was officially sending to the troops.

Throughout the war it was noted, without contradiction, that the best supplied, best clothed and equipped soldiers of the whole army were from North Carolina.

I cannot undertake in the brief space of this article to narrate what would require a volume, in order to set out adequately the support which North Carolina furnished to the Confederacy. It must be recalled that while now the State has 2,500,000 people, by the census of 1860 she had only 992,622, of whom full one-third were negroes. These latter did their share in faithfully furnishing provisions raised on the farms for the support of the soldiers and of the people at home. To their credit there was not a single attempt, recorded in the four years, of insurrection or lawlessness. Out of the 700,000 white population the State sent 125,000 splendid soldiers to the front besides the Home Guards, who preserved order, guarded bridges, and at times strengthened our lines in North Carolina. Many thousand negroes were also drafted from time to time to build breastworks and forts.

The proportion of soldiers furnished by this State to the Confederate cause was nearly one in every five of the total white population. This is a larger ratio than is now being furnished by Germany in her strenuous efforts, though that country is largely aided by the enforced work of prisoners and of the population drafted from Belgium and other occupied territory, contrary to all the rules of civilized warfare and the express stipulations of the Hague treaties.

It is safe to say that of the armies of the thirteen Confederate States, more than one-sixth were soldiers from this State. This State also furnished fully one-fifth of the provisions and other supplies for the Confederate armies.

Unlike Germany, with its thirty years preparations for war, North Carolina went into the war totally unprepared. But she grappled the task which came to her, and no state on either side, and probably no state in history, furnished from its population a larger proportion of soldiers, nor from its material resources a larger support, to the cause in which it embarked than this Commonwealth. If the cause finally failed, no blame can be laid upon a state which went into that war reluctantly but which, when it once entered, stinted neither in men, in courage, or in supplies in its ardent support to the side which its people had espoused.

The Work of the North Carolina Historical Commission During the Past Year

BY R. D. W. CONNOR, *Secretary*

The North Carolina Historical Commission is a child of the State Literary and Historical Association. It occurs to me, therefore, that the members of this Association would be particularly interested in the work of the Historical Commission.

Some time ago announcement was made that a distinguished North Carolina historian, who has recently given to the State an excellent history of North Carolina from the period of settlement to the conclusion of the Revolution, was about ready to publish his second volume covering the history of the State since 1783. At the time I ventured to express the hope that the announcement was premature. My reason for this hope is that no man can write the history of North Carolina from 1783 to date, except in a very superficial way, without spending many months at work among the collections of the North Carolina Historical Commission. It is as impossible to write our history since 1783 without extensive use of these collections as it is to write the history of the State before that period without the Colonial Records. Illustrative of this point is the fact that another North Carolinian, whose field of work is confined to the four years of Civil War, 1861-1865, has already spent about eighteen months among our collections covering those four years only, and has not yet exhausted his material.

I shall not have time today to describe at any length the extensive collection of unpublished historical material in possession of the Historical Commission, as this brief report is supposed to be confined to the work of the Historical Commission during the past year. A brief introductory statement is all that can be made at this time. Fuller statements can be found in the six biennial reports of the Historical Commission with which all persons interested in North Carolina history ought to be familiar.

The collections of the Historical Commission contain an immense mass of official documents absolutely essential to any one who wants to write a history of North Carolina. They embrace the Letter-books of the Governors of North Carolina, beginning with Governor Richard Caswell in 1777; the Executive Papers, containing the original letters written to the governors, proclamations, reports, petitions, etc., 1750-1876; Legislative Papers, beginning in 1733, containing original messages, bills, petitions, reports, etc., journals of the Governor's Council, 1712-1775, and

of the Council of State, 1777-1888, together with many Council Papers; a large collection of wills, inventories, deeds, etc.; numerous local and county records; a mass of military papers of the Revolution, Indian Wars, War of 1812, Mexican War, and an extensive collection of Civil War material. Besides these there are numerous collections of miscellaneous material.

In the Hall of History is to be found one of the best historical museums in the United States. It illustrates the social, economic, political, industrial, and military history of the State in every period of its history.

Our collections of the private papers of public men—one of the very best kinds of historical material—is very extensive. They embrace papers of Zebulon B. Vance, David L. Swain, Nathaniel Macon, William A. Graham, Samuel Johnston, James Iredell, John H. Bryan, Bryan Grimes, Calvin H. Wiley, David S. Reid, Cornelia P. Spencer, William R. Davie, Archibald D. Murphey, Charles, Ebenezer, and J. Johnston Pettigrew, W. L. Saunders, W. W. Holden, John Steele, William Duffy, W. H. S. Burgwyn, Jonathan Worth, William Gaston, Willie P. Mangum, Thomas Ruffin, and numerous smaller collections. When the history of North Carolina since the Revolution comes to be written these papers will be found absolutely indispensable.

Much more might be said of the value of our general collections, but time forbids.

As to the work of the Historical Commission during the past year, you must of course bear in mind that the greater part of such work does not admit of being expressed in terms of a report. Correspondence, investigations, advice to persons, especially high school and college students, preparing historical essays, copying manuscripts for publication, arranging, classifying and filing papers, preparing manuscripts for mounting and binding, indexing, and numerous other similar activities cannot figure much in a formal report, although they consume most of the time of the staff of the Historical Commission. During the past year we have arranged and filed in systematic order thousands of executive and legislative papers; copied for the printer the extensive collections of Ruffin, Mangum, and Shotwell papers; reinforced, repaired and mounted 5,000 manuscripts; and indexed several of our collections.

To our collections we added the following:

1. Polk Papers, embracing family letters of the James K. Polk family. Presented by Hon. Tasker Polk, of Warrenton.

2. Shaw Papers—an interesting, miscellaneous collection of manuscripts relating chiefly to the Highland Scotch settlers in North Carolina. Presented by Hon. Henry E. Shaw, of Kinston.

3. David S. Reid Papers—private correspondence about public matters of Governor Reid. Presented by Miss Henrietta Reid, of Reidsville.

4. Bolles Letter-Books, containing 642 letters, notes, etc., of Charles P. Bolles, U. S. Coast Survey, relating to the coast survey, 1846-1855. Presented by Mrs. Charles P. Bolles of Wilmington.

5. Henderson Letter-Book.—Letter book of Thomas Henderson, editor of the Raleigh *Star*, 1810-11. Presented by Hon. Walter Clark, of Raleigh.

6. Devereux Letter-Book.—Letters of Thomas P. Devereux, written while serving in the Confederate Army, 1863-65. Loaned by Mrs. John W. Hinsdale, of Raleigh.

7. Miscellaneous Manuscripts.—Six hundred and ninety-seven pieces, embracing letters of thirteen governors of North Carolina; also letters of John Sevier, Hugh Williamson, Nathaniel Macon, George E. Badger, R. F. Hoke, W. H. C. Whiting, Braxton Bragg, Jefferson Davis, and Robert E. Lee.

The following county records were received:

1. Edgecombe.—Four volumes of Inventories from 1735 to 1794; two volumes of court records, 1784-1824; marriage bonds, 1761-1799.

2. Halifax.—List of tax-payers, 1784-1829; three volumes of court records, 1783-1824; marriage bonds, 1813-1867.

3. Guilford.—Marriage bonds.

4. Wilkes.—Marriage bonds.

5. Rowan.—Marriage bonds.

The following collections have been mounted and permanently bound:

1. Clark Plantation Book, 1821-61.
2. Nathaniel Macon Papers, 1804-37.
3. W. H. S. Burgwyn Papers, 2 vols., 1861-1912.
4. Pollock Letter-Book, 1708-1761.
5. D. S. Reid Papers, 2 vols., second series, 1850-1880.

We secured 35 volumes of bound newspapers.

The following volumes of copies of North Carolina items from South Carolina colonial newspapers were bound:

1. South Carolina Gazette, 4 vols., 1731-1775.
2. South Carolina Gazette and Country Journal, 1722-1787.
3. South Carolina Gazette and American Gazette, 1766-1780.
4. City Gazette and Daily Advertiser, 1789-1794.
5. State Gazette of South Carolina, 1785-1795.

The following typewritten copies of manuscripts were bound:

1. Hayes' Collection, 1748-1806.
2. William Polk Papers, 1758-1834.
3. Emmett Collection,[1] 1757-1847.
4. Crittenden Papers,[2] 1827-1863.
5. Van Buren Papers,[3] 1824-1858.
6. A. D. Murphey Papers, 1805-1852.
7. Minutes of St. Paul's Vestry, 1715-1800.

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[1]Letters to or from North Carolinians in the Emmett Collection, N. Y. Public Library.
[2]Letters to or from North Carolinians in the Crittenden Papers, Library of Congress.
[3]Letters to or from North Carolinians in the VanBuren Papers, Library of Congress.

We also received from the Governor's office and had bound "The Minutes of the Commission on Constitutional Amendments, 1913."

During the past year the Historical Commission published:

1. Bulletin No. 21.—The Sixth Biennial Report of the North Carolina Historical Commission, 1914-1916.
2. Bulletin No. 22.—Proceedings of the Seventeenth Annual Session of the State Literary and Historical Association of North Carolina, 1916.
3. North Carolina Manual, 1917.

The Legislature of 1917 passed the following act providing funds by which the North Carolina Historical Commission could mark historic sites in North Carolina:

Whereas the State of North Carolina, being one of the thirteen original colonies, is rich in historical incidents and places which are unmarked by suitable memorials: Therefore,

The General Assembly of North Carolina do enact:

Section 1. That, for the purpose of carrying out the objects of this act, the sum of two thousand five hundred dollars a year for the succeeding two years from the ratification of this act is hereby appropriated out of the funds in the hands of the State Treasurer not otherwise appropriated.

Sec. 2. That, upon order of the North Carolina Historical Commission, the State Auditor is hereby empowered and directed to draw his warrant for said sum upon the State Treasurer: *Provided*, that a sum not to exceed one hundred dollars be spent for any one marker, and that so far as possible the money hereby appropriated shall be equitably distributed in the various counties of the State; and *Provided further*, that no sum shall be spent by the said Historical Commission for the purpose of carrying out this act unless and until it be notified that the county commissioners or private citizens of any county applying for a sum have donated an equal sum. The sites to be marked are to be selected or approved by the said Commission: *Provided*, that five hundred dollars of the amount herein appropriated may be used for the purpose of marking the birthplace of President Andrew Jackson, in Union County, when a like amount shall have been raised by private subscription or otherwise.

Sec. 3. That the boards of county commissioners of the various counties of the State are hereby authorized to donate such sums as are required to assist in the work provided for herein.

Under this act, the Historical Commission has made provisions for the following markers:

1. Virginia Dare Memorial on Roanoke Island. Through the Roanoke Island Memorial Association.
2. Battle of Charlotte. Through the Battle of Charlotte Chapter, D. A. R.
3. Battle of South-West Creek. Through the A. M. Waddell Chapter, U. D. C., Kinston.
4. Bath. Through the County Commissioners of Beaufort County.

5. Pisgah National Park. Through a committee of the Southern Forestry Association.

6. Grave of Governor Benjamin Smith. Through Grand Lodge of Masons.

7. Battle of Sugar Creek. Through the Mecklenburg Declaration of Independence Chapter, D. A. R.

8. Grave of Governor Richard Caswell. Through a local committee of Kinston.

9. Five markers at Salem. Through the Wachovia Historical Society.

10. Twenty markers on the Cape Fear. Through the New Hanover County Historical Commission.

11. Houses in which General J. Johnston Pettigrew and General Stephen D. Ramseur died. Through the North Carolina Division, U. D. C.

12. Buck Springs, home of Nathaniel Macon. Through the Macon Community Association, Macon, N. C.

13. J. R. McConnell Memorial. Through a local committee of Carthage, N. C.

Since the declaration of war against Germany, the Historical Commission has made special efforts to collect material bearing on North Carolina's part in the war. Such material embraces:

War proclamations, circulars, notices, etc., issued by mayors, sheriffs, local exemption boards, and other public officials and boards.

Records of the war activities of local food, fuel, Liberty Loan, War Savings committees, councils of defence, Red Cross, Y. M. C. A., etc.

Material showing the effects of the war on transportation, manufacturing, agriculture, trade, etc.

Circulars, letters, advertisements, resolutions, etc., illustrating, or intended to influence, public opinion on war questions.

Photographs of local events, bodies of troops, individual soldiers, military camps, Red Cross workers, etc.

Letters from those in the military and naval service.

Clippings from local papers relative to war activities.

These efforts promise to be successful. The State Council of Defense, most of the County Councils of Defense, many Red Cross Chapters, the State Food and Fuel Administration, the committees in charge of the sale of Liberty Loans and War Savings Stamps, and other war organizations have promised to preserve their records and (in case of some of them), unless otherwise ordered by the National authorities, at the close of the war to deposit them for permanent preservation with the Historical Commission. It is from such material that the history of the war will ultimately be written.

The State Library

By Alex. J. Feild, *State Librarian*

The State Library appreciates the privilege of making this report to the State's foremost men and women of letters, and welcomes the opportunity it affords. It is peculiarly fitting that this literary agency of the State should enjoy the patronage of your association; and if, through a closer relationship with your members, public interest can be stimulated, it will be a distinct and valuable achievement. It is hoped, therefore, that a report from the State Library will become a permanent feature of your annual meetings and be a potent factor in awakening interest in this feature of public service.

Having but recently become your State Librarian, for the details here given I wish to acknowledge my indebtedness to Misses Carrie L. Broughton and Myrtle King, the assistant librarians, to whose courtesy, diligence, and efficiency I take this opportunity of publicly bearing witness. Their experience and familiarity with the details of the work enables them to be of the greatest service to the patrons of the library.

As this is the first report to your Association, a few general facts about the library will not be out of place. It occupies the entire ground floor and part of the basement in the fireproof Administration Building on Fayetteville, Morgan, and Salisbury streets, fronting the Capitol Square. It has a large, well lighted, and comfortable reading-room, which is kept open to the public from 9 o'clock a. m. to 5 o'clock p. m., except on Sundays, legal holidays, and, in the summer months, Saturday afternoons. It is well supplied with daily and weekly newspapers and the leading magazines. There is also a comfortable reading-room for negroes. All of the books and periodicals may be freely used by the public in the reading-rooms, but none may be taken out except by State officials. The library is under the control of the Governor, Secretary of State, and Superintendent of Public Instruction, who are *ex officio* its trustees. The State appropriation for buying new books and periodicals is $500 annually, and the law makes provision for a librarian, two assistant librarians, and a janitor. The library now contains 34,856 volumes in the general library, 6,345 volumes of Government documents, 3,454 volumes of bound newspapers, and 2,017 volumes of bound magazines; a total of 46,672 volumes. Of these, 597 general works, 93 Government documents, 75 bound volumes of newspapers, and 66 bound volumes of magazines have been added during the current year which

expires November 30. Among the books are some that are rare and very valuable, and a great many of them are very useful. But, of course, with the very small appropriation it has been impossible to make the list anything like as complete as it should be.

In this connection it may be worth while to note that many books are acquired by gift. During the year ending November 30, 1916, 269 books were added by purchase and 210 were donated. I believe that even more can be added by gift if the matter is properly presented to those who wish to render the public a service.

Considering its limitations, the library is reasonably well patronized. Quite frequently visitors from a distance come for special research. When the several schools and colleges in Raleigh are in session, it is liberally patronized by their students, while quite a number of the permanent residents of the Capital City make regular use of it. At times as many as 25 or 30 persons may be found in the reading-rooms at the same time. Still there is a feeling, more or less justified by the facts, that the State Library is not fully abreast with the intellectual and material progress of the State and is not rendering the public the service it should. To make it do so will require a decided modification of its plan and scope and a substantial increase of appropriation. Serious study is being given the subject, and it is probable that the next General Assembly will be asked to make some radical change. Suggestions from the membership of this Association will be cordially welcomed.

Over the portals of the great library at Thebes was inscribed "Medicine for the Soul." At first I thought these words were not well chosen and that the legend should have been "Food for the Soul." But experience seems to show that the ancients were wiser than I thought. It seems that a library must be more than a feast spread for the soul to which guests are invited; nor is it quite sufficient to go into the highways and hedges and urge them to come. It is more in the nature of medicine for the soul, which it is the business of the State to administer to those, the greatness of whose need renders them the least willing to receive it. Perhaps, too, this idea should be kept in mind when buying new books for the library. It is not enough to get popular books, for which there are many calls. These should be had, but there should also be gotten the books which the people ought to read, so that even the unwilling patient may receive the proper medicine for his soul.

The Work of the Library Commission

By Mrs. E. R. Blanton, *Secretary*

"We want to start a public library in X—— but we don't know how to go about it, and we shall appreciate any help or information you can give us. Everybody will work for the library if we only know what to do and how to do it."

"How can we secure a Carnegie building?"

"Can you give us the address of the Carnegie Corporation?"

"How much money does it take to run a library?"

"Can the board of aldermen or town commissioners make an appropriation or must an additional tax be levied by vote of the people?"

"What towns in North Carolina have voted a library tax?"

"How many towns in North Carolina have public libraries, and how did they get them?"

"Do you think this is a good time to start the library movement, or would it be better to wait until the war is over?"

These questions have been asked and answered many times during the past year. Much of the preliminary work was done by correspondence, but later, in most instances, the Secretary went to the town, conferred with the leaders of the library movement, and took part in a public meeting. The point is, the questions call for information which those interested must have if the movement is to be successful, and if a strong, permanent and effective library is to be established.

As the movement makes headway other problems arise:

"How do you get the furniture and the books?"

"Have you any plans for library buildings?" Or, "We have only one room for a library; what equipment is absolutely necessary to make a start?"

"Do you know where we can secure a good librarian?"

"Should the library be entirely free, or ought we to charge for the use of books?"

"What are the usual library hours?"

"Do you think the library should be open every day in a town this size?"

These are only a few of the questions that come into the office again and again, month after month, and I think you can readily see how important it is that there should be some reliable source from which the latest and most authoritative information can be secured—that there

should be some agency whose special duty it is to be thoroughly familiar with library history, library practice, and with library conditions in our own State—an agency equipped and ready to give counsel and assistance.

If the public library is an educational institution second only in importance to the public school, and a necessary supplement to the schools, as is now generally recognized, then the Library Commission is rendering a real service to the State in assisting and aiding in the establishment of public libraries.

The Commission also renders assistance to libraries already established, and small libraries especially, which cannot afford the services of a trained librarian, are helped in many ways.

"What is the best encyclopedia to buy for our library?"

"Please send a list of the best reference books which can be purchased for $50."

"What are the best books on the European War, Story telling, the History of music, Compulsory arbitration of industrial disputes, . . . "

"Should our library be kept open on Sunday?"

"What is the class number for books on Airships?"

"What is the best method of filing pamphlets?"

"How can we secure the Government documents a small library ought to have?" etc., etc.

Some of these questions may seem small, if not trivial, but the success of a library may depend on their solution; and it is certainly true that a library can always give better service when the details of administration are properly handled.

But the Library Commission not only renders service to the cities and towns, it also preaches the gospel of good books to country people and actively aids in the dissemination of good literature. If books are a mighty good thing for the city man or woman they are even better for the country people—for the men and women, the young people and the children living in the tiny villages and on remote and isolated farms. And the method employed to provide library facilities for the rural population is the traveling or circulating library.

The circulation of the traveling libraries during the past year indicates how general is the demand. Ninety-two counties were reached by some phase of the traveling library service—the regular traveling library, the debate or some other form of package library, and in most cases by both traveling and package libraries.

It is sometimes hard for those of us who have access to a public library and who know where and how to buy books for ourselves to realize what it would mean to live in the country and to be deprived of all of these

advantages. A letter received recently, and similar letters come in frequently, gives a vivid picture of such conditions, and makes a peculiar appeal to every lover of good books:

"I am so grateful to you for making a chance for me to get some books I am answering at once.

"I not only live on a farm remote from the town and congenial neighbors, but am a mile from the road and R. F. D. box.

"My oldest son is married and lives in another county. My daughter recently married and left me. My youngest child volunteered two hours after war was declared. So you can understand what good reading matter means to me now."

A traveling library is now in that community and our correspondent is acting as librarian. She has also organized a small study club and the literature required is sent as needed. You may be surprised to learn that the subject selected is music—a subject that will bring something into the lives of the members outside of their ordinary everyday experiences, something that will stimulate and develop the æsthetic side of their natures.

PACKAGE LIBRARIES

Any collection of literature sent by mail or express is called a Package Library. The package libraries are intended especially for debaters, club members, farmers, home-makers, teachers, school children, or any one living in the country or in the small towns without public library facilities. The circulation of the package libraries last year was over 50,000.

Debate libraries have the largest circulation of any of the package libraries, having circulated in 85 counties during the year. Collections were available on eighty different subjects, the number of libraries on each subject varying from two collections on those subjects in little demand to thirty-two on those in greatest demand.

Special Package libraries were prepared on Vegetable Gardening and on Food Conservation, and the lists of the books in these collections printed and distributed. Individuals may borrow as many as two books at a time and clubs a collection of ten or twelve volumes.

For two years programs and literature have been sent to women's clubs and to study clubs upon request. In some cases the clubs "register" during the summer or early fall and package libraries consisting of books and magazine articles are forwarded in time for each meeting. In other instances individual members apply for material for their own special papers. Always the women living in the open country or in small towns are given the preference if all applications cannot be filled.

"I live in the country," says a letter written November 15th, "and I have no other source from which to get my information." Such requests are given first consideration.

Two points about the traveling libraries should be explained and probably emphasized. First, no charge is ever made for the loan of any library, traveling or package. The package libraries are sent by parcel post, and the borrower pays the postage both ways, refunding the amount of postage required to send the literature when it is returned. The regular traveling libraries are forwarded by freight, and are sent collect and returned prepaid. Whenever the round trip freight charges on a traveling library exceed $1, the Commission refunds the excess. This equalizes the cost of transportation to borrowers living in the more remote eastern and western counties. Hence the total cost of a traveling library to any community in North Carolina will never be more than 50 cents each way.

The second point to be emphasized is that the traveling library work is not confined to the schools as many people seem to think. The libraries are intended primarily for general community use, and only one-third of the books in a typical collection are children's books. In some cases the proportion is even less.

WORK WITH SCHOOLS

However, the Commission does render special service to schools, but this work, although of the greatest importance, can only be outlined briefly. Many package libraries are lent to schools, not only debate libraries but material for entertainments, story-hours, essays, orations, and speeches. Then this year a few traveling libraries especially for schools have been prepared. These contain books for youngest readers, books for intermediate grades, and books for more advanced students.

Technical advice and information relating to books and libraries are freely given to teachers and superintendents. Lists of books are prepared to meet the special needs of particular schools; suggestions are made for a simple charging system and samples of supplies furnished; and instruction is given on the selection and purchase of books, on the administration and use of the school library, on the arrangement of the books on the shelves, and the hundred and one little details incident to the successful operation of any kind of a library, however small.

There has only been time to explain in detail some of the more important phases of the work of the Library Commission. Possibly the greatest achievement of the past year was the success of the legislative campaign which resulted in the appropriation of the Library Commission being increased to $8,000 annually. The Library Commission of

North Carolina now has the largest appropriation of any Southern state and hence greater opportunities for service.

This service may be summarized as follows: To give counsel and aid to communities in the establishment of new libraries; to succor and supervise libraries already established; to give information on all subjects relating directly or indirectly to books and libraries; and finally, to supply the rural population with library privileges. In other words, to make it possible for every man, woman, and child living in North Carolina to secure good literature—a work in which I am sure the Literary and Historical Association is vitally interested.

North Carolina Bibliography, 1917

By MRS. E. R. BLANTON,
SECRETARY NORTH CAROLINA LIBRARY COMMISSION

This Bibliography covers the period from December 5, 1916, to November 20, 1917; that is, it includes the publications issued from the date of the 1916 meeting of the Literary and Historical Association to the date of the 1917 meeting. Hence the book which was awarded the Patterson Cup in 1917, *The Cycle's Rim,* by Mrs. Dargan, was listed in the Bibliography for 1916 as it appeared early in November of that year.

The term Bibliography is here used to include the works of all native North Carolinians, whether they are now living in the State or elsewhere; and also the work of writers who, although not born in North Carolina, have lived here long enough to become identified with the State.

NEW PUBLICATIONS

ABBREVATIONS AND SYMBOLS: c., copyright; facsim., facsimilies; il., illustrated; p., pages; por., portrait; v., volume. The capital letters, D. O. Q. S. T., refer to the size of the books.

ALDERMAN, Edwin Anderson. Virginia. D.57p. Scribner, 1917. $1.00.
Address delivered at the banquet given by Petersburg, Va., to the President of the United States and the governor of Pennsylvania, May 19, 1909.

ALEXANDER, Julia McGhee. Mothers of great men. D.188 p. Charlotte Observer Print. House, 1916. $1.35.

ASHE, Samuel A., WEEKS, Stephen B., and VAN NOPPEN, C. L. Biographical history of North Carolina, from colonial times to the present. Vol.8,O.por.facism. Van Noppen, 1917. $10.00.

BASSETT, John Spencer. Middle group of American historians. O.324p. Macmillan, 1917. $2.00.
The life and work of the principal historians of the period beginning about 1814 and ending in 1884.

BOYCE, W. Scott. Economic and social history of Chowan County, North Carolina, 1880-1915. (Columbia Univ. studies in history, economics and public law, v. 76, no. 1). O.293p. Longmans, 1917. $3.00; paper, $2.50.

CARROLL, Robert Sproul. Mastery of nervousness based upon self reeducation. O.346p. Macmillan, (July) 1917. $2.00.
Dr. Carroll is medical director of the Highland Hospital at Asheville.

Ezekiel, Herbert T., and Lichtenstein, Gaston. History of the Jews of Richmond from 1769 to 1917. O.374p. Richmond, Ezekiel, 1917. $3.00.

Ezekiel is not a North Carolinian but Lichtenstein is.

Goodwin, Adolph, Illustrator. Who's Who in Raleigh; a collection of personal cartoons of the staunch "trees" that make the "oak city." F.136p.il. Raleigh, Commercial Print. Co., 1916.

A collection of cartoons of prominent men of Raleigh.

Hamilton, J. G. deRoulhac, and Hamilton, Mrs. Mary (Thompson). Life of Robert E. Lee for boys and girls. D.209p.por. Houghton, (Oct.) 1917. $1.25.

Harper, William Allen. New layman for the new time; a discussion of principles. Revell, 1917. 75c.

Horne, Herman Harrell. Story-telling, questioning and studying, three school arts. D.181p. Macmillan, (Nov.) 1916. $1.10.

Treats of the art of story-telling, the art of questioning, and the art of studying.

Horne, Herman Harrell. Teacher as artist; an essay in education as an æsthetic process. (Riverside educational monographs.) D.63p. Houghton, 1917. 70c.

Two stimulating essays proving that teaching is a fine art under certain conditions.

Horne, Mrs. Ida Caroline (Harrell). Songs of sentiment; ed. by her son, Herman Harrell Horne. D.155p.por. Neale Pub. Co., 1917. $1.25.

Lichtenstein, Gaston, *see* Ezekiel, Herbert T.

Pearson, Charles Chilton. Readjuster movement in Virginia. (Yale historical publications. Miscellany, v. 4.) O.191p. Yale Univ. Press, (July) 1917. $2.00.

A chapter in the history of Virginia from the Civil War to the first administration of Grover Cleveland, presenting a study of the "Readjuster movement."

Pearson, Thomas Gilbert. Bird study book; colored front., pen and ink drawings by Will Simmons, and 16 photographs. D.258p. Doubleday, (Mar.) 1917. $1.25.

Intended for the beginner rather than the advanced student.

Scherer, James Augustin Brown. Cotton as a world power; a study in the economic interpretation of history. O.452p. Stokes, (Aug.) 1916. $2.00.

From mythological times through 1915.

SCHERER, James Augustin Brown. Japanese crisis. D.148p. Stokes, (Mar.) 1916. 75c.

Should have been listed in the Bibliography of last year but was accidently omitted.

A brief historical survey of Japanese-American relations, devoted primarily to California and the land question.

SHEPHERD, Henry Elliott. Narrative of prison life at Baltimore and Johnson's Island, Ohio. S.22p. Commercial Print. and Stationery Co., 1917. $1.50.

TAYLOR, Hannis. Due process of law and the equal protection of the laws; a treatise based, in the main, on the cases in which the Supreme Court of the United States has granted or denied relief upon the one ground or the other. O.988p. Callaghan & Co., (Oct.) 1917. $9.00.

TOWNSEND, Mrs. Metta Folger. On golden hinges. D.321p. Broadway Pub. Co.; c.1917. $1.50.

WEEKS, Stephen B. History of public school education in Delaware. (U. S. Education Bureau, Bul. 1917, No. 18.) D.181p. Government Printing Office, 1917. Gratis.

WHITSETT, William Thornton. Saber and song; a book of poems. D.156p. Whitsett Institute, (June) 1917. $1.25; leather, $1.50.

WOMBLE, Edgar, Illustrator. North Carolina Senate, 1917, character sketches. Sq.Q.82p.il. Raleigh, Commercial Print. Co., 1917.

Cartoons and character sketches of the members of the Senate of 1917.

EDITIONS AND COMPILATIONS

BASSETT, John Spencer, ed. Correspondence of George Bancroft and Jared Sparks, 1823-1832; ed. by John Spencer Bassett. (Studies in history, v. 2, No. 2.) Smith College, department of history, (Jan.) 1917. Paper.

FOERSTER, Norman and Pierson, William WHATELEY, eds. American ideals. D.326p. Houghton, 1917. $1.25.

FULTON, Maurice Garland, ed. Christmas night in the quarters, and other poems, by Irwin Russell; with an introd. by Joel Chandler Harris and an historical sketch by Maurice Garland Fulton; il. by E. W. Kemble. O.182p. Century, (Oct.) 1917. $2.50.

HENDERSON, Archibald, ed. Prince of Parthia, by Thomas Godfrey; ed. with introduction, historical, biographical, and critical by Archibald Henderson. O.189p.il.por.facism. Little Brown, (Apr.) 1917. $2.50.

KEPHART, Horace, ed. Gold hunters, by J. D. Borthwick; ed. by Horace Kephart. (Outing adventure library.) D.361p. Outing Pub. Co., (Feb.) 1917. $1.00.

Kephart, Horace, ed. Hunting in the Yellowstone, by Dunraven; ed. by Horace Kephart. (Outing adventure library.) D.33p. Outing Pub. Co., (Mar.) 1917. $1.00.

Mims, Edwin, ed. Past and present, by Thomas Carlyle; ed. with introd. and notes by Edward Mims. (Modern student's library.) Scribner, 1917. 75c.

CONTINUATIONS

James Sprunt Historical Publications, published under the direction of the North Carolina Historical Society; ed. by J. G. deRoulhac Hamilton and H. M. Wagstaff. v. 16.

North Carolina Booklet, Jan.-Oct., 1917.

North Carolina Historical Commission. North Carolina manual for the use of members of the General Assembly, session 1917; compiled and edited by R. D. W. Connor. D.452p. Edwards & Broughton, 1917. Gratis.

Studies in Philology, published quarterly by the University of North Carolina. v. 14, Jan.-Oct., 1917. $2.00.

Trinity College. Historical papers. Series 13.

The *South Atlantic Quarterly, Everywoman, North Carolina Education, North Carolina Library Bulletin, Social Service Bulletin,* and the publications of the various colleges and universities have been issued regularly during the year.

Members, 1917-18

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Julian S. Carr
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I. J. Young

Hickory
M. E. Thornton

High Point
W. J. Armfield
Miss Clara I. Cox
J. Elwood Cox

Hillsboro
Miss Rebecca Cameron
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Holden, Mo.
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Jacksonville
Frank Thompson

Kinston
Mrs. L. V. Archbell
G. V. Cowper
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Kittrell
O. W. Blacknall

Lexington
S. E. Williams

*Dead.

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Ivey Allen
William H. Ruffin
Miss Mary E. Underwood
LUMBERTON
A. W. McLean
L. R. Varser
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N. G. Carroll
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Mrs. Joseph B. Cheshire
Joseph B. Cheshire, Jr.
Walter Clark

*Dead.

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R. D. W. Connor
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B. G. Cowper
W. C. Cram
W. C. Cram, Jr.
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W. A. Hoke
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A. B. Hunter
Carey J. Hunter
J. Rufus Hunter

Raleigh—*Continued.*

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Mrs. George W. Lay
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Mrs. Ruth H. Moore
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Mrs. F. O. Moring
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E. F. Pescud
Clarence Poe
Mrs. Clarence Poe
Joseph E. Pogue
Mrs. Joseph E. Pogue
Miss Eliza Pool
Miss Ida Poteat
George J. Ramsey
Mrs. R. B. Raney
W. S. Rankin
John E. Ray*
W. T. Reaves
Miss Mattie Reese
W. C. Riddick
Charles Root
H. A. Royster
W. I. Royster
E. E. Sams
Miss Mary A. Schenk
Shaw University Library
S. Brown Shepherd

*Dead.

RALEIGH—*Continued.*
M. O. Sherrill
Mrs. M. B. Sherwood
Mrs. M. B. Shipp
John A. Simpson
Charles Lee Smith
Ed Chambers Smith
Mrs. Ed Chambers Smith
Miss Mary Shannon Smith
J. F. Stanback
Mrs. J. F. Stanback
W. E. Stone
Mrs. E. E. Swindell
R. H. Sykes
Mrs. Andrew Syme
Mrs. M. B. Terrell
Julian B. Timberlake
R. T. Vann
W. W. Vass
Mrs. W. W. Vass
Platt D. Walker
W. H. Williamson
Mrs. W. H. Williamson
Mrs. J. M. Winfree
R. W. Winston
W. A. Withers
Miss Ada V. Womble
W. P. Wood
J. R. Young
Miss S. E. Young

REIDSVILLE
Tuesday Afternoon Reading Club

RICHMOND, VA.
Mrs. H. W. Jackson
Mrs. E. E. Moffitt
Henry Litchford
W. W. Moore

ROANOKE RAPIDS
A. E. Akers

ROCKINGHAM
W. R. Coppedge

ROCKY MOUNT
Jacob Battle*
Thomas H. Battle
J. C. Braswell
R. H. Ricks
F. S. Spruill

SALISBURY
A. T. Allen
Mrs. James P. Moore

SALISBURY—*Continued.*
Lee S. Overman
James H. Ramsay

SCOTLAND NECK
N. B. Josey
Charles J. Shields

SHELBY
I. C. Griffin
Robert L. Ryburn

SMITHFIELD
T. J. Lassiter

SPRAY
Mrs. B. Frank Mebane
John M. Morehead
Mrs. John M. Morehead

STATESVILLE
Mrs. D. M. Ansley
B. F. Long
D. Matt Thompson

SOUTHPORT
C. L. Stevens
Mrs. C. L. Stevens

TARBORO
R. H. Bachman
J. L. Bridgers
Mrs. C. M. Parks
Mrs. Jacksie D. Thrash

TIMBERLAKE
R. B. Holeman

TOWNESVILLE
J. M. B. Hunt

URBANA, ILL.
Mrs. F. L. Stevens

WAKE FOREST
Mrs. Ethel T. Crittenden
J. Henry Highsmith
C. C. Pearson
Miss Helen Poteat
Hubert Poteat
W. L. Poteat
Mrs. W. L. Poteat
Benjamin Sledd

WARRENTON
John Graham
Tasker Polk

WASHINGTON
Stephen Bragaw
J. E. Clark
Mrs. S. R. Fowle

*Dead.

Washington—*Continued.*
Miss Lida T. Rodman
J. H. Small
Washington, D. C.
B. F. Johnson
Waynesville
G. S. Ferguson
Weldon
W. E. Daniel
Whitakers
R. H. Speight
Whitsett
W. T. Whitsett
Williamston
Wilson G. Lamb
Wilson
J. F. Bruton
Mrs. J. F. Bruton
J. Dempsey Bullock
H. G. Connor
Mrs. H. G. Connor
Charles L. Coon
Jonas Oettinger
W. F. Woodard
Mrs. W. F. Woodard
Wilmington
Edward P. Bailey
John D. Bellamy
J. J. Blair
Mrs. R. L. Cobb
W. J. Craig
Thomas W. Davis
Theo. G. Empie
H. G. Foard
B. F. Hall
Miss Susan E. Hall

Wilmington—*Continued.*
William Latimer
J. G. McCormick
W. B. McCoy
Donald McRae
Miss Lucile W. Murchison
P. Pearsall
M. T. Plyler
George Rountree
James Sprunt
W. H. Sprunt
M. S. Willard
Windsor
Francis D. Winston
Winston-Salem
Mrs. Henry T. Bahnson
Henry T. Bahnson*
William A. Blair
Burton Craige
Mrs. M. F. P. Fearington
Miss Adelaide Fries
H. E. Fries
John W. Fries
James A. Gray, Jr.
Geo. W. Hinshaw
Clement Manly
Mrs. Lindsay Patterson
W. S. Pfohl
C. A. Reynolds
Mrs. R. J. Reynolds
Mrs. W. N. Reynolds
J. Hampton Rich
Edward Rondthaler
Howard E. Rondthaler
Miss C. L. Shaffner
Mrs. W. O. Spencer
Wachovia Historical Society

*Dead.

SEVENTH BIENNIAL REPORT

OF THE

North Carolina Historical Commission

December 1, 1916, to
November 30, 1918

RALEIGH
EDWARDS & BROUGHTON PRINTING COMPANY
STATE PRINTERS
1919

The North Carolina Historical Commission, 1916-1918

J. Bryan Grimes, Raleigh, *Chairman*

W. J. Peele, Raleigh
D. H. Hill, Raleigh
M. C. S. Noble, Chapel Hill
T. M. Pittman, Henderson

R. D. W. Connor, *Secretary* ..... Raleigh
W. S. Wilson, *Legislative Reference Librarian* ..... Raleigh
Fred A. Olds, *Collector for Hall of History* ..... Raleigh

Report of the North Carolina Historical Commission

To His Excellency,
Hon. T. W. Bickett,
Governor of North Carolina.

Sir:—In compliance with the law, and for the information of your Excellency, I beg to transmit herewith, in behalf of the North Carolina Historical Commission, the biennial report of the Secretary of the Commission, December 1, 1916, to November 30, 1918.

Respectfully,

J. Bryan Grimes,
Chairman.

Raleigh, N. C., January 3, 1919.

BIENNIAL REPORT

OF THE

Secretary of the North Carolina Historical Commission

DECEMBER 1, 1916, TO NOVEMBER 30, 1918

To Hon. J. Bryan Grimes, *Chairman*, Messrs. W. J. Peele, D. H. Hill, Thomas M. Pittman, *and* M. C. S. Noble, *Commissioners.*

Gentlemen:—I beg to submit a report of the work of the North Carolina Historical Commission for the years December 1, 1916-November 30, 1918.

ORGANIZATION

On April 1, 1917, the terms of Messrs. D. H. Hill and W. J. Peele, commissioners, expired, and both were reappointed by the Governor for the term April 1, 1917-March 31, 1923.

At a meeting of the Historical Commission on April 25, 1917, J. Bryan Grimes was reëlected Chairman, R. D. W. Connor, Secretary, and W. S. Wilson, Legislative Reference Librarian for the term April 1, 1917-March 31, 1919.

Office Force

During the period covered by this report the following persons were employed by the Commission:

R. D. W. Connor, Secretary, since December 1, 1916,
W. S. Wilson, Legislative Reference Librarian, since December 1, 1916,
F. A. Olds, Collector for the Hall of History, since December 1, 1916,
Mrs. J. M. Winfree, Restorer of Manuscripts, December 1, 1916-January 1, 1917; March 12, 1917-November 30, 1918,
Miss Marjory Terrell, stenographer, since December 1, 1916,
Mrs. W. S. West, file clerk, since December 1, 1916,
Miss Frances Wilson, stenographer, December 1, 1916-October 31, 1918,
Mrs. W. S. Wilson, stenographer, November 1, 1918-November 30, 1918,
T. H. Calvert, assistant to the Legislative Reference Librarian, January 2, 1917-March 7, 1917,
Mrs. Andrew Syme, for special clerical work, October 9, 1917-March 4, 1918,
Mrs. F. M. Stronach, for special clerical work, August 28, 1918-November 30, 1918,
William Birdsall, messenger, since December 1, 1916.

CLASSIFICATION AND ARRANGEMENT OF COLLECTIONS

EXECUTIVE PAPERS

The work of classifying and arranging the Executive Papers transferred from the Governor's office was completed through the administration of Governor Thomas M. Holt, January 18, 1893. All told 12,867 documents were filed in chronological arrangement.

LEGISLATIVE PAPERS

Work was begun in filing the Legislative Papers transferred from the Capitol and completed for the years 1774-1790, and 1861-1865. The arrangement adopted is the order in which the papers were introduced into the Legislature, so that the student using them follows the procedure of the Legislature from day to day.

HISTORICAL MANUSCRIPTS

The following collections of historical manuscripts were arranged and made ready for use:

Robert J. Miller Papers, 1799-1831,
Brevard Papers, 1789-1876,
L. O'B. Branch Papers, 1861-1862,
David S. Reid Papers, second series, 1850-1880,
Thomas Henderson Letter Book, 1810-1811.

Other additions that will be hereafter noticed were made to our collections which have not yet been finally arranged for use.

REPAIR OF MANUSCRIPTS

The work of reinforcing, restoring, and mounting manuscripts for binding was continued. Twenty-six different collections were thus treated which contain 9,838 sheets, of which 5,181 were repaired, 2,217 reinforced by the crepeline process, 8,738 mounted, and 1,100 made ready for mounting.

BINDING

The following collections were bound:

Clark Plantation Book, 1825-1861, in 1 volume,
Nathaniel Macon Papers, 1804-1837, in 1 volume,
W. H. S. Burgwyn Papers, 1861-1912, in 2 volumes
Thomas Pollock Letter Book, 1708-1761, in 1 volume,
D. S. Reid Papers, second series, 1850-1880, in 2 volumes,
Pettigrew Papers, 1772-1900, in 18 volumes,
Robert J. Miller Papers, 1799-1831, in 1 volume,
Minutes of the Commission on Constitutional Amendments, 1913, in 1 volume.

A total of 27 volumes, therefore, were bound during the period covered by this report.

The following volumes were prepared for binding and are now in the hands of the binder:

Shaw Papers, 1764-1861, in 1 volume,
L. O'B. Branch Papers, 1861-1862, in 1 volume,
John L. Cantwell Papers, 1856-1896, in 1 volume,
Brevard Papers, 1789-1867, in 2 volumes,
Proceedings of the Wilmington-New Hanover Committees of Safety, 1774-1776, in 1 volume,
Proceedings of the Court-Martial of Colonel Charles McDowell, 1782, in 1 volume,
Onslow County Records, in 2 volumes.

There were also bound typewritten copies of the following collections:

Hayes' Collection, 1748-1860,
Papers of William Polk, 1758-1834,
North Carolina Letters from the Emmett Collection, 1757-1847 (copies of originals in the New York Public Library),
North Carolina Letters from the Crittenden Papers, 1827-1863 (copies of originals in the Library of Congress),
North Carolina Letters from the Van Buren Papers, 1824-1858 (copies of originals in the Library of Congress),
Letters and Papers of Archibald D. Murphey, 1805-1852,
Minutes of St. Paul's Vestry (Edenton, N. C.), 1715-1800.

The following typewritten copies of 1,212 North Carolina items from colonial newspapers were bound:

South Carolina Gazette, 1731-1735, in 4 volumes,
South Carolina and American General Gazette, 1766-1780, in 1 volume,
City Gazette and Daily Advertiser, 1789-1794, in 1 volume,
State Gazette of South Carolina, 1785-1795, in 1 volume,
South Carolina Gazette and Country Journal, 1772; Gazette of the State of South Carolina, 1777-1785; Royal Gazette, 1781-1782; Charleston Morning Post, 1787, in 1 volume,
Virginia Gazette, 1771-1776, in 1 volume.

INDEX TO REVOLUTIONARY ACCOUNTS

A card index was made to the names in the twelve volumes of North Carolina Revolutionary Army Accounts. This index, as soon as the cards are alphabetized, which is being done as rapidly as possible, will make these army accounts much more serviceable than they have been heretofore.

ACCESSIONS

ADDITIONS TO FORMER COLLECTIONS

To collections already begun the following additions were made:

Executive Papers.—Transferred from the governor's office, papers of Governors John Owen, W. A. Graham, Charles Manly, D. S. Reid, Z. B. Vance, W. W. Holden, Jonathan Worth, Tod R. Caldwell, and Curtis H. Brogden, embracing 2,790 pieces.

The following executive files of loose papers were also transferred from the Governor's office:

Z. B. Vance, 1877-1879,
Thomas J. Jarvis, 1879-1884,
Alfred M. Scales, 1885-1889,
Daniel G. Fowle, 1889-1891,
Thomas M. Holt, 1891-1893,
Elias Carr, 1893-1897,
Daniel L. Russell, 1897-1901,
Charles B. Aycock, 1901-1905,
Robert B. Glenn, 1905-1909,
William W. Kitchin, 1909-1913,
Locke Craig, 1913-1917.

From the same source the Commission received the Executive Letter Books of the following governors.

Richard Caswell, 1779-1786,
Thomas Burke, 1774-1782,*
Thomas Burke, 1781-1782,
Thomas Bragg, 1857-1858,
Tod R. Caldwell, 1870-1874,
Curtis H. Brogden, 1874-1877,
Thomas J. Jarvis (also Index Volume), 1879-1885,
Alfred M. Scales (also Index Volume), 1885-1889,
Daniel G. Fowle (also Index Volume), 1889-1891,
Thomas M. Holt (also Index Volume), 1891-1893,
Elias Carr (also Index Volume), 1893-1897,
Daniel L. Russell, 1897-1901,
Charles B. Aycock, 1901-1905,
Robert B. Glenn (also Index Volume), 1905-1909,
Journal of the Governor's Office, 1837-1841.

George E. Badger Papers.—Six pieces, embracing five letters written by George E. Badger, and one written to him by Gov. Edward B. Dudley.

W. H. S. Burgwyn Papers.—Three diaries of Lieut. W. H. S. Burgwyn, C. S. A., as follows:

(1) Diary from January 2, 1862-January 7, 1863,

*In this book are copied also some of Burke's private correspondence and part of his correspondence while a member of the Continental Congress.

(2) Diary from September 29, 1864-March 11, 1865. On the fly-leaf of this diary is the following note in Lieutenant Burgwyn's writing: "Bought while a prisoner of war at City Point, October 3rd, 1864, Price .50cts in Greenbacks,"

(3) Diary from March 29, 1863-January 7, 1864. Six pages of this book were used as a diary by a Union soldier, from August 29-December 12, 1864. It was found by Lieutenant Burgwyn on a battlefield in Virginia.

Thomas Burke Papers.—Private letter book of Thomas Burke, 1769 (a portion missing), presented by Walter Clark.

Braxton Bragg Papers.—Seven pieces, embracing two telegrams from Gen. Robert E. Lee, three letters from Gen. W. H. C. Whiting, and an address by General Bragg to his army from Headquarters of the 2d Corps, Army of the Mississippi, Corinth, Miss., May 3, 1862.

John Branch Papers.—One A. L. S. from John Branch to Richard Smith, July 29, 1830.

John H. Bryan Papers.—148 pieces, 1796-1862, presented by J. Bryan Grimes.

Richard Caswell Papers.—"A Petition of the Ministry, Vestrymen, and Church Wardens of St. John's Parish to the Justices of Baltimore County, Md., 1733." D. S. by Richard Caswell and others.

Thomas L. Clingman Papers.—One A. L. S. from Thomas Clingman to General Ruggles, February 6, 1868.

James C. Dobbin Papers.—Four A. L. S. of James C. Dobbin.

Fanning-McCulloh Papers.—One A. L. S. from Henry McCulloh to the Rt. Hon. Pelham, November 8, 1758. Enclosure: Observations in relation to the Officers Salaries Established and made payable from the chief rents in North Carolina.

John A. Gilmer Papers.—One A. L. S. of John A. Gilmer to D. H. Albright, Liberty, N. C.

William A. Graham Papers.—Two pieces.

Francis L. Hawks' Papers.—One A. L. S. of Francis L. Hawks to Rev. M. Smith, May 4, 1851.

D. H. Hill Papers.—Five pieces.

Robert Howe Papers.—One A. L. S. of Robert Howe to Governor Clinton, April 13, 1780.

Nathaniel Macon Papers.—Three Pieces.

David S. Reid Papers.—248 pieces, 1850-1880, presented by Miss Henrietta Reid, of Reidsville, N. C.

Jethro Sumner Papers.—Bond of Jethro Sumner to Abner Nash, June 5, 1780. D. S.

Z. B. Vance Papers.—Three pieces.

Waddell Papers.—Nine letters of Capt. James Iredell Waddell, commander of the Confederate Steamship "Shenandoah," presented by Guion W. Waddell, Mooresfield, N. C.

Hugh Williamson Papers.—One A. L. S. of Hugh Williamson to Samuel Johnson, March 2, 1787; one A. L. S. of Hugh Williamson to Richard Caswell, June 16, 1786.

NEW COLLECTIONS

CHARLES P. BOLLES LETTER BOOKS

Letter Books of Charles P. Bolles, Assistant, United States Coast Survey, four volumes, containing 648 letters, memoranda, notes, etc., relative to the coast survey from 1846-1855, presented by Mrs. Charles P. Bolles, Wilmington, N. C.

BRITISH ARMY ACCOUNTS

Book of Accounts of a Highland Scotch Light Infantry Regiment in the British Army, 1776-1777, presented by J. McN. Patterson, Laurel Hill, N. C.

WALTER CLARK PAPERS

A collection of the private correspondence of Chief Justice Walter Clark, embracing 1,199 pieces, presented by Walter Clark.

HISTORY OF COMPANY C, TWENTY-SEVENTH REGIMENT, C. S. A.

History of Co. C, 27th Regiment, North Carolina State Troops, C. S. A., by George F. Whitford, Lieutenant-Colonel, 27th Regiment, in manuscript, presented by N. J. Rouse, Kinston, N. C.

THOMAS POLLOCK DEVEREUX LETTER BOOK

A letter book containing copies of 101 letters written to his parents, by Thomas Pollock Devereux while in the Confederate States Army, 1863-1865, presented by Mrs. John W. Hinsdale, Raleigh, N. C.

JOHN J. GUTHRIE PAPERS

This collection contains 17 manuscripts of Captain John Julius Guthrie, the last commander of the blockade-runner, Advance. Among them are three A. L. S. of Governor Vance, and also a list of the officers and crew of the Advance in February, 1864. Presented by Surgeon Joseph A. Guthrie, U. S. N., a son of Captain John Julius Guthrie.

THOMAS HENDERSON LETTER BOOK

The letter book of Thomas Henderson, 1810-1811. Thomas Henderson was editor of the Raleigh Star, and this letter book contains the original manuscripts of the descriptions and accounts of the population, soil, products, etc., of the counties of North Carolina in 1810, written for publication in the Star. Presented by Walter Clark.

HENRY BERRY LOWRY GANG

History of the Henry Berry Lowry Gang, by John C. Gorman, Adjutant-General of North Carolina, 1871-1876, in manuscript, 26 pages. Presented by Thomas M. Gorman, Durham, N. C.

NORCOM PAPERS

This is a collection of about 300 letters and other documents of Dr. James Norcom, covering the period from 1805-1873. Presented by Miss Penelope Norcom, Hertford, N. C.

POLK PAPERS

A large and as yet unclassified and unarranged collection of the papers of the Polk family of which President James K. Polk, Col. William H. Polk, and Gen. Leonidas Polk were members, which was presented by Tasker Polk, Warrenton, N. C.

SHAW PAPERS

A large and miscellaneous collection of letters, business papers, memoranda, etc., many of which relate to the Scotch-Highland immigrants to North Carolina, presented by Henry E. Shaw, Kinston, N. C.

JOHN M. WORTH PAPERS

These papers, 1862-1865, of John M. Worth, State Salt Commissioner near Wilmington, were presented by Charles W. Worth, Wilmington, N. C.

JOHN LEWIS DIARY

"John Lewis' Day Book," 1777-1779, a small note book of John Lewis of Rutherford County, 26 pages. Presented by M. O. Dickerson.

DESCRIPTION OF THE CAPE FEAR REGION

An account of the Cape Fear region, written by Hugh Meredith of Pennsylvania, who from 1727-1729 was a partner of Benjamin Franklin in the printing business. The account was published by Franklin in the Pennsylvania Gazette of April 29-May 6, 1831, No. 129 and May 6-May 13, 1731, No. 130. This typewritten copy was made and presented by the Pennsylvania Historical Society.

SPANISH VOYAGE TO CAROLINA IN 1566

Typewritten copy in Spanish of the "Attestation of the Acts in regard to the appointment made by Pero (Pedro?) Menendez de Aviles, Captain-General of Florida and Adelantado of those provinces, of the people who went thither in command of the captain, Pedro de Coronas." An account of a voyage of a company of Spaniards to the country of the Indian, Don Luis, "a land (lying in the latitude) of thirty-six to thirty-nine degrees along the seacoast," *i.e.*, North Carolina and Virginia, in 1566. 30 pages. Original in the archives of the Indies at Seville. Sent to the North Carolina Historical Commission, by Dr. J. F. Jameson,

Director Bureau of Historical Research, Carnegie Institute, Washington, D. C., and translated into English for the Historical Commission by James A. Robertson.

MISCELLANEOUS PAPERS

This collection embraces 68 pieces, containing letters of:

Revolutionary officers: General Isaac Shelby, John Sevier, William R. Davie.

Confederate generals: Robert F. Hoke, W. H. C. Whiting, and Theophilus H. Holmes.

Governors of North Carolina: Richard Dobbs Speight, Alexander Martin, William R. Davie, Thomas Bragg, Samuel Ashe, John Owen, William Miller, Gabriel Holmes, Montfort Stokes, Alfred M. Scales.

MAPS

England, Wales, and Scotland by John Andrews, published by John Stockdale, London, 1811. 4:5 x 5:3. Presented by M. E. Thornton, Hickory, N. C.

Battle of Bethel, from a survey and drawing by Lieut. W. G. Lewis, published by W. M. B. Smith, Tarboro, presented by S. S. Nash, Tarboro, N. C.

CONFEDERATE RECORDS

Muster Roll of Co. D, R. J. Ashe, captain, 1st Regiment North Carolina Volunteers, C. S. A., D. H. Hill, colonel. from June 6, 1861, to March 13, 1861. Presented by E. Vernon Howell, Chapel Hill, N. C.

Muster Roll of Co. G, William F. Kelly, captain, 4th North Carolina Troops, C. S. A., George B. Anderson, colonel, from April 30, 1862, to June 30, 1862. Presented by A. Turner Grant, Mocksville.

Muster Roll of Co. E, John A. Teague, captain, 29th Regiment, North Carolina Troops, C. S. A., Robert B. Vance, colonel, from February 28, 1863, to April 30, 1863. Presented by Miss Georgia Hicks, Faison, N. C.

Muster Roll of Co. K, N. Z. Penland, lieutenant in command, 29th Regiment, North Carolina Troops, C. S. A., W. B. Creasman, colonel, from August 31, 1864, to October 31, 1864. Presented by Miss Georgia Hicks, Faison, N. C.

Muster Roll of Co. D, James S. Lane, captain, 40th Regiment, North Carolina Troops (Artillery), C. S. A., John J. Hedrick, colonel, from July 1, 1864, to August 31, 1864. Presented by Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. D, James S. Lane, captain, 40th Regiment, North Carolina Troops (Artillery), C. S. A., John J. Hedrick, colonel, from September 1, 1864, to October 31, 1864. In duplicate. Presented by the Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. G, George C. Buckan, captain, 40th Regiment, North Carolina Troops, C. S. A., John J. Hedrick, colonel, from April 30, 1864, to June 30, 1864. Presented by the Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. K, Daniel J. Clark, captain, 40th Regiment (Artillery), North Carolina Troops, C. S. A., John J. Hedrick, colonel, from June 30, 1864, to August 31, 1864. In duplicate. Presented by Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. K, Daniel J. Clark, captain, 40th Regiment (Artillery),

North Carolina Troops, C. S. A., John J. Hedrick, colonel, from August 31, 1864, to October 31, 1864. Presented by the Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. K, Daniel J. Clark, captain, 40th Regiment, North Carolina Troops (Artillery), C. S. A., John J. Hedrick, colonel, October 31, 1864. Presented by the Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Detachments from companies D, E, G, and K, 40th Regiment (Artillery), C. S. A., John J. Hedrick, colonel. No date. In triplicate. Presented by Cape Fear Chapter, U. D. C., Wilmington, N. C.

Muster Roll of Co. I, L. Harrell, captain, 56th Regiment, North Carolina Troops, C. S. A., Paul F. Faison, colonel, from May 1, 1862, to June 30, 1862. In triplicate. Presented by Mrs. J. H. Wood, Asheville, N. C.

Muster Roll of Co. I, L. Harrell, captain, 56th Regiment, North Carolina Troops, C. S. A., Paul F. Faison, colonel, from July 1, 1862, to August 31, 1862. Presented by Mrs. J. H. Wood, Asheville, N. C.

Muster Roll of Co. I, L. Harrell, captain, 56th Regiment, North Carolina Troops, C. S. A., Paul F. Faison, colonel, from October 31, 1862, to December 31, 1862. Presented by Mrs. J. H. Wood, Asheville, N. C.

Muster Roll of Co. I, L. Harrell, captain, 56th Regiment, North Carolina Troops, C. S. A., Paul F. Faison, colonel, from December 31, 1862, to February 28, 1863. Presented by Mrs. J. H. Wood, Asheville, N. C.

Muster Roll of Co. I, L. Harrell, captain, 56th Regiment, North Carolina Troops, C. S. A., Paul F. Faison, colonel, from February 28, 1863, to April 30, 1863. Presented by Mrs. J. H. Wood, Asheville, N. C.

Abstract K, 4th Quarter, 1864, Co. I, 40th Regiment, North Carolina Troops, requisition for clothing, December 31, 1864. Presented by Mrs. J. H. Wood, Asheville, N. C.

Muster Roll of Co. —, James W. Kirkpatrick, captain, attached to the 16th Regiment, North Carolina Troops, C. S. A., C. T. N. Davis, colonel.

Muster Roll of Co. —, No officers, units or dates. Contains 74 names. Enlisted 1861.

Descriptive book of Co. G, 3d Regiment (Infantry), North Carolina Troops, C. S. A., E. H. Rhodes, captain. Presented by Cape Fear Chapter, U. D. C., Wilmington, N. C.

KIRK-HOLDEN WAR

Muster, Descriptive, and Pay Roll of Co. E, 2d Regiment, North Carolina State Troops, George W. Kirk, colonel, from June 22, 1870, to September 6, 1870. Presented by Guion W. Waddell, Mooresville, N. C.

NEWSPAPERS

From Mrs. Florence Kidder, Wilmington, N. C., the Commission received the following collection of newspapers, numbering 35 bound volumes:

The Wilmington Review, 1875-1881,
The Wilmington Star, 1873-1881,
The Wilmington Journal, 1866-1876,
The Wilmington Post, 1868-1878,
North Carolina Standard, 1866-1870.

From Mr. Charles M. Chadbourn, Wilmington, N. C., the following three volumes of bound newspapers:

The Wilmington Journal, 1861-'62,
The Wilmington Journal, 1862-'63,
The Wilmington Journal, 1863-'65.

From Mr. D. C. Love, Wilmington, N. C., the following two volumes of newspapers:

The Wilmington Dispatch, 1866-'67,
Cape Fear, 1876.

From Mr. Marshall DeLancey Haywood, Raleigh, N. C., the following volume:

The Microcosm, Volume IV, No. 4 (June 26, 1841)—No. 46 (April 16, 1842). Published weekly at Raleigh, by Master Leonidas B. Lemay.

COUNTY RECORDS

During the period covered by this report investigations have been conducted in the courthouses of 72 counties for the purpose of seeing what county records are on file and what condition they are in. Since few of the counties are prepared to take proper care of such records many of them have deposited with the Historical Commission such of their records as are not in current use. We have received the following:

Bertie County:
County Court Minutes, 1767-1801; 1803-1868.

Brunswick County:
County Court Minutes, 1782-1786; 1792-1797; 1801; 1803; 1805-1859; 1866-1868.

Burke County:
County Court Minutes, 1807; 1818-1834.

Camden County:
County Court Minutes, 1855-1868.
Orphans' Accounts, 1804-1808; part of this volume was used for recording United States Military orders, 1866-1868.

Carteret County:
County Court Minutes, 1764-1781.

Edgecombe County:
Inventories, etc., 1735-1745.
Sales and Inventories, 1748-1753.
Inventories and Accounts, 1765-1772.
Inventories and Accounts, 1792-1794.
County Court Minutes, 1748-1790.
Minute Docket, 1807-1824.

Gates County:
County Court Minutes, 1779-1841; 1850-1868.

Halifax County:
- List of taxpayers and taxables, 1784-1829.
- County Court Minute Docket, 1822-1824.
- Complaint Book, 1783-1789.
- Officers' Bonds (loose papers), 1820-1822.

Hyde County:
- Original Wills, Books 1, 2, and 3.
- Oath Form Book, 1750.
- County Court Minutes, 1767; 1786-1787; 1791-1792; 1794; 1804; 1809-1811; 1815-1817; 1820-1821; 1826-1827; 1861.

Jones County:
- County Court Minutes, 1816-1832.

Onslow County:
- Trial Docket, 1798.
- Appeal Docket, 1787-1790.
- County Court Minutes, 1734-1737; 1741-1745; 1747-1749; 1751-1761; 1768; 1772-1868.

Perquimans County:
- County Court Minutes, 1756-1769; 1784-1801.
- Original Wills, 1744-1794.

Pitt County:
- County Court Minutes, 1858-1868.

Rutherford County:
- Wills, Book A, 1782-1791; Book B, 1791-1813; Book C, 1814-1822; Book D, 1822-1833; Book E, 1834-1868.
- County Court Minutes, 1780-1810; 1813-1844; 1862-1868.
- Guardian Accounts, 1840-1850.
- Land Entries, 1787-1803; 1831-1849.

Tyrrell County:
- Deeds, 1740-1779; 1782-1792; 1806-1816.
- Court Prosecutions, 1763-1785.
- Reference Docket, 1759-1761.
- County Court Minutes, 1735-1811; 1819-1823; 1843-1849; 1865-1868.

Washington County:
- Deed Book, 1800-1801.

Marriage Bonds were deposited with the Historical Commission from the following counties:

Bertie, Cabarrus, Carteret, Craven, Edgecombe, Franklin, Gates, Guilford, Halifax, McDowell, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Perquimans, Rutherford, Tyrrell, Warren, and Wilkes.

PUBLICATIONS

The following publications were issued during the period covered by this report:

North Carolina Manual for 1917. Compiled and edited by R. D. W. Connor for the use of the members of the General Assembly of 1917. Cloth 452 pages.

Bulletin No. 21. Sixth Biennial Report of the North Carolina Historical Commission, December 1, 1914-November 30, 1916. Paper. 26 pages.

Bulletin No. 22. Proceedings of the 17th Annual Session of the State Literary and Historical Association of North Carolina, at Raleigh, December 5-6, 1916. Paper. 95 pages.

Bulletin No. 23. Proceedings of the 18th Annual Session of the State Literary and Historical Association of North Carolina, at Raleigh, November 20-21, 1917. Paper. 133 pages.

Papers of Thomas Ruffin. Compiled and edited by J. G. deR. Hamilton. Volume I. Cloth. 541 pages.

HISTORICAL MARKERS

The General Assembly of 1917 appropriated $2,500 for the year December 1, 1916-November 30, 1917, and $2,500 for the year December 1, 1917-November 30, 1918, to be used by the North Carolina Historical Commission to aid in marking historic sites and events in North Carolina. Under the act the Commission was authorized to appropriate not more than $100 for any one marker, the appropriation to be contingent upon a similar amount being raised by the County Commissioners or private citizens of any county in which a site to be marked is located. Sites to be marked were to be selected or approved by the Historical Commission. To facilitate the execution of this act the Historical Commission had prepared a striking design for such markers. Under the operation of the act appropriations were made to mark the following sites in North Carolina:

1. Virginia Dare Memorial Gateway.

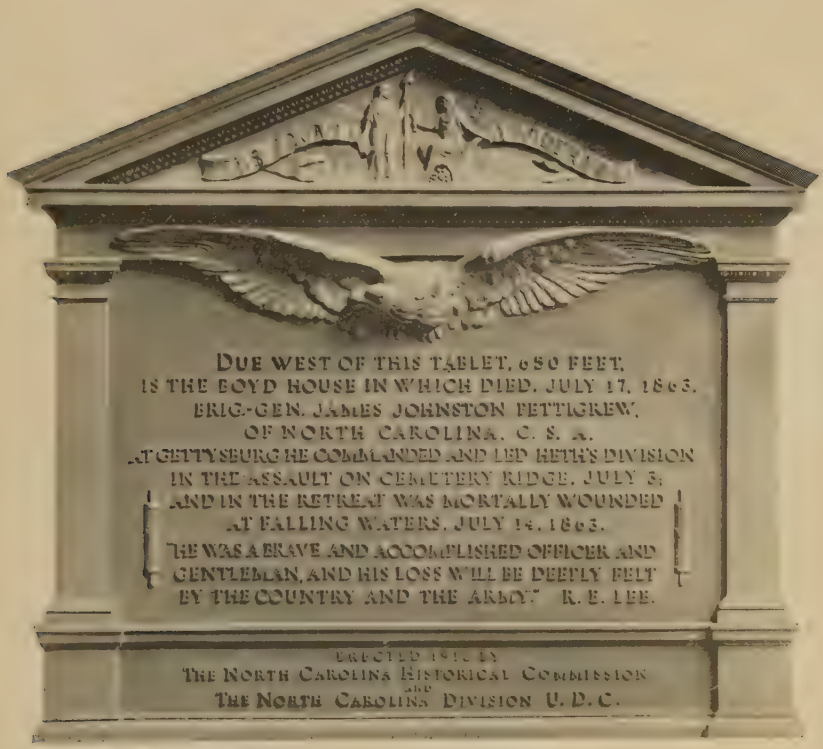
   This memorial to be a stone gateway, to be erected on Roanoke Island, on the site where the first colonists landed, on the eastern waterfront, in the vicinity of old Fort Raleigh. Raised by the Roanoke Island Colony Association, $189; appropriated by the North Carolina Historical Commission, $100.

2. Battle of Charlotte.

   A tablet placed in the street in the city of Charlotte through which was fought, September 26, 1780, the Battle of Charlotte, between the advance guard of the British army under Lord Cornwallis and the American cavalry forces under Colonel William R. Davie, and a company of volunteers under Captain Joseph Graham. For this marker the Battle of Charlotte Chapter, D. A. R., raised $235; the Historical Commission appropriated $100.

3. Battle of Sugar Creek.

   Marker erected on the spot where, during the Battle of Sugar Creek, between American and British forces, September 26, 1780, Captain Joseph Graham fell severely wounded. Appropriated by the Mecklenburg Declaration of Independence Chapter, D. A. R., $150, by the Historical Commission, $100.



One of the Tablets Erected Under the Provisions of Chapter 277, Public Laws of 1917.

4. Southwest Creek Battlefield.

A bronze tablet to mark the site where, March 8, 1865, was fought the battle of Southwest Creek near Kinston, between the Confederate forces under command of General Braxton Bragg and the Federal forces under command of Major General J. D. Cox. Appropriated by the A. M. Waddell Chapter, U. D. C., $100, by the Historical Commission, $100.

5. Bath Tablet.

A bronze tablet to be placed on the wall of St. Thomas Church, the oldest church in North Carolina, in commemoration of the incorporation of Bath, the first town in North Carolina, 1705. Appropriated by the Board of Commissioners of Beaufort County, $100, by the Historical Commission, $100.

6. Constitution House.

Bronze tablet to be erected on the walls of the house in Halifax in which met the Convention of 1776, which adopted the first constitution of the independent State of North Carolina. Raised by the Elizabeth Montford Ashe Chapter, D. A. R., $100, appropriated by the Historical Commission, $100.

7. Pisgah National Park.

Tablet to be placed at the entrance of Pisgah National Park, commemorating the facts in connection with the development of Pisgah Forest, the beginning of scientific forestry, and the taking over of the park by the United States Government. Contributed by a committee of the Southern Forestry Congress, $100, appropriated by the Historical Commission, $100.

8. Historic Sites in Salem:

1. Salem Concert Hall, in which was held the first Forsyth County Court.
2. Brothers' House Spring, from which the British army, under Lord Cornwallis, secured its water supply while in Salem in 1781.
3. Site of the Confederate States' Commissary Building.
4. First Family House, the residence of the community physician, in which were performed the first vaccinations for smallpox.
5. Tablet commemorating notable visits to Salem.

For these five tablets the Wachovia Historical Society appropriated $267, the North Carolina Historical Commission, $267.

9. Grave of Richard Caswell.

This marker is to be placed on the State Highway to call attention to the grave near-by of Richard Caswell, first Governor of North Carolina under the Constitution of 1776. Raised by private citizens of Kinston, $100, appropriated by the Historical Commission, $100.

10. Kiffin Rockwell Memorial.

Tablet in memory of Kiffin Rockwell, American aviator of Asheville, N. C., who, as corporal in the Foreign Legion in the service of France, was killed in action September 23, 1916, on the Alsatian front. Raised by Rockwell Memorial Committee, $1,000, appropriated by the Historical Commission, $100.

11. James McConnell Memorial.

Monument in memory of James McConnell, American aviator of Carthage, N. C., who, as sergeant in the Lafayette Escadrille in the service of France, was killed in action March 19, 1917, within the German lines, southeast of Jussy, near St. Quentin. Appropriated by the McConnell Memorial Association, $1,700, by the Historical Commission, $100.

12. Grave of William Lee Davidson.

Appropriated by the Mecklenburg Declaration of Independence Chapter, D. A. R., $100, by the Historical Commission, $100.

13. Historic sites on the Cape Fear.

1. Lord Cornwallis's Headquarters at Wilmington, 1781.
2. General W. H. C. Whiting's Headquarters at Wilmington, 1864-1865.
3. Site of the camp of the British garrison under Major James Craig, occupying Wilmington in 1781.
4. Site of the residence, in Wilmington, of William Hooper, signer of the Declaration of Independence.
5. Site of the residence of Arthur Dobbs, Governor of North Carolina, 1754-1765.
6. Site of the residence of William Tryon, Governor of North Carolina, 1765-1771.
7. Residence of Benjamin Smith, Governor of North Carolina, 1810-1811.
8. Residence of Edward B. Dudley, Governor of North Carolina, 1837-1840.
9. Grave of John Baptista Ashe, who was elected Governor of North Carolina in 1802, but died before qualifying.
10. Site of the residence of Cornelius Harnett, at Hilton.
11. Site of Confederate States Navy Yard.
12. Sugar Loaf Battlefield, where was fought in 1725 the last battle between the whites and the Indians on the Cape Fear.
13. Sites of Fort Lee, Fort Meares, Fort Strong.
14. Site of Fort Fisher.
15. Site of Fort Anderson.
16. Water-front of Old Brunswick, where in 1748, during King George's War, a force of Spaniards landed and attacked the town, but were repulsed.
17. Orton, the colonial residence of Roger Moore.
18. Kendall, the colonial plantation of George Moore.
19. Lilliput, the colonial plantation of Chief Justice Eleazer Allen, afterwards owned by Sir Thomas Frankland, great grandson of Oliver Cromwell.
20. Site of old Charleston, the first town on the Cape Fear, founded in 1664.

For these tablets the New Hanover County Historical Commission appropriated $500, the North Carolina Historical Commission, $500.

14. Boyd House.

Tablet marking the location of the Boyd House, in which died, July 17, 1863, Brigadier-General James Johnston Pettigrew, C. S. A. Appropriated by the North Carolina Division, U. D. C., $100, by the Historical Commission, $100.

15. Belle Grove House.

Tablet marking the location of the Belle Grove House, in which died, October 20, 1864, Major-General Stephen Dodson Ramseur, C. S. A. Appropriated by the North Carolina Division, U. D. C., $100, by the Historical Commission, $100.

16. Grave of Nathaniel Macon.

Tablet to mark the grave of Nathaniel Macon, Representative in Congress, 1791-1815, and Speaker of the House, 1801-1807; United States Senator, 1815-1828; President *pro tem.* of the Senate, 1826-1828; President of the Constitutional Convention of 1835. Appropriated by the Macon Community Club, $100, by the Historical Commission, $100.

17. Boone and Greene Tablet.

Tablet at Lexington (1) commemorating the residence of Daniel Boone in Davidson County, and (2) marking the route of retreat of the American army under General Nathanael Greene, 1781. Appropriated by the Board of Commissioners of Davidson County, $100, by the Historical Commission, $100.

18. Jonas Johnston.

Tablet to be erected in the courthouse at Tarboro in memory of Jonas Johnston, a soldier of the Revolution; delegate to the Constitutional Convention of 1776; Representative in the General Assembly, 1777-1778. Appropriated by the Board of Commissioners of Edgecombe County and private citizens, $100, by the Historical Commission, $100.

19. Capitol of North Carolina.

Tablet commemorating the events in connection with the erection of the State Capitol, to be placed on its walls. Appropriated by the North Carolina Sons of the Revolution, $100, by the Historical Commission, $100.

20. Tuscarora Indian Town.

Tablet marking the site of the chief town of the Tuscarora Indians in Bertie County. Raised by private citizens, $25, appropriated by the Historical Commission, $25.

21. Grave of Squire and Sarah Boone.

Tablet to mark the graves of Squire and Sarah Boone, parents of Daniel Boone, in Joppa graveyard near Mocksville Appropriated by the Board of Commissioners of Davie County, $100, by the North Carolina Historical Commission, $100.

It will be observed from this list of tablets that under the operation of the above mentioned act, by appropriating $2,492 the North Carolina Historical Commission secures the erection of tablets commemorating historic sites and events in our history which cost $7,858, of which amount $5,366 was appropriated by county commissioners, patriotic societies, and private individuals.

WAR WITH GERMANY

PRIZE ESSAY CONTEST

Soon after the declaration of war against Germany, the National Board for Historical Service organized and conducted in fifteen states in the Union contests for the best essays submitted by public school teachers on the subject "Why the United States is at War." North Carolina was one of the fifteen states selected. Prizes were offered as follows:

Group A. For teachers in public high schools, a first prize of $75, a second prize of $30, a third prize of $20, a fourth prize of $15, and a fifth prize of $10.

Group B. For teachers in public elementary schools, a first prize of $75, a second prize of $25, and five prizes of $10 each.

In North Carolina half the amount of the prizes was generously contributed by Gen. Julian S. Carr, the other half by the North Carolina Historical Commission. The contest excited considerable interest throughout the country, particularly in North Carolina, which State submitted a larger number of essays than any of the other fourteen states. The prizes were awarded as follows:

Group A. First prize: John P. Wynne, State High School, Atkinson.
Second prize: Mary Bobbitt Powell, High School, Roanoke Rapids.
Third prize: D. J. Walker, High School, Gibson.
Fourth prize: Nannie Hart, High School, Mooresville.
Fifth prize: Margaret Adeline Wright, High School, Rocky Mount.

Group B. First prize: Z. D. McWhorter, Wallace.
Second prize: Cordelia Camp, Chapel Hill.
Third prizes: Lelia M. Smith, Winton,
Mary Lee Utley, Pittsboro,
Meta Swain Liles, Speed,
Beulah Hedrick, Elizabeth City,
Norma Burwell, Rockingham.

HISTORICAL WAR MATERIAL

The Historical Commission recognized, of course, at the beginning of the war the importance of undertaking to collect at once material bearing upon the part taken by North Carolina soldiers and civilians in the struggle. In coöperation, therefore, with the North Carolina Council of Defense, a special history committee was appointed consisting of the secretary of the Historical Commission as chairman, Messrs. Haywood Parker, Paul W. Schenck, George Gordon Battle, J. G. deR. Hamilton, Misses Adelaide Fries and Lida T. Rodman, to collect for permanent preservation the war records of the State. The term "war

records" is given the widest possible interpretation, so as to include all material that illustrates the state of mind of the people toward the war, the effect of the war on social, educational, economic, agricultural, political and religious conditions, and the personal achievements, sacrifices, and services of individuals. Efforts were made to secure the coöperation of such organizations as the State and County Councils of Defense, the State and County Fuel Administrations, the State and County Food Administrations, the American Red Cross, and other organizations engaged in other war work, by urging them to preserve carefully their records, and ultimately to deposit them with the Historical Commission. Efforts were also made to secure assistance in this work through the appointment in each county of a county historian for war purposes, but these efforts were not particularly successful. Persons were secured in sixty counties who promised to aid in the work, but only a few of them have been active.

The Collector for the Hall of History was instructed to devote special attention to the collection of all sorts of material bearing upon the war, and he has been particularly successful in the collection of war posters and photographs. An interesting group of war posters is made up of the original drawings of 43 different posters by Messrs. T. S. Davidson and Fred V. Owen, of North Carolina, at the Central Recruiting Station of the United States Army at Greensboro. Copies of these posters were displayed at all recruiting offices in the State. Efforts have also been made, with partial success, to secure letters from North Carolina soldiers whether in cantonments at home or in active service abroad. Such letters, or copies, have been secured from the following:

Brig.-Gen. L. F. Faison, 60th Infantry, 30th Division; Brig.-Gen. Lawrence D. Tyson; Brig.-Gen. George D. McIver; Col. Albert Cox, 113th Field Artillery (two letters); Lieut.-Col. J. M. Cullison, 26th Infantry; Maj. John G. Rens; Capt. W. F. Beattie, 6th U. S. Marines; Capt. John Hall Manning, 119th Infantry; Capt. L. D. Giddens, 119th Infantry; Capt. A. D. Budd, 10th Infantry; Capt. Robert Laird; Capt. Wiley C. Rodman; Lieut. Elliott D. Cooke, 55th Marines; Lieut. Albert H. Lange, 3d Cavalry; Lieut. H. Sprague Silver, 28th Infantry; Lieut. C. W. Cripps, 28th Infantry; Lieut. Frank L. Cline, 105th Engineer Train; Lieut. John F. Scott; Lieut. J. W. Young, Jr., 18th Infantry; Lieut. John H. Applebee, A. R. C.; Lieut. John E. Culnan, 49th Co., 5th Marine Corps; Lieut. Guy J. Winstead, 38th Infantry (30 letters); Lieut. W. H. Carter; Lieut. B. R. Lacy, Jr., Chaplain 113th Field Artillery (22 letters); Lieut. Wright B. Dixon; Lieut. Philip Woollcott, aviator (five letters); Lieut. Wm. B. Duncan, 113th Field Artillery; Lieut. Wilford Dudley Robbins, aviator; Lieut. James C. Wemyss, 18th Infantry; S. P. Stapp, Chaplain, 119th Infantry; Sergt. John D. Huffman, 105th Engineer Train; Sergt. Earl Johnson, 113th Field Artillery; Pvt. Lennox Johnson, 120th Infantry; Pvt. Thomas D. Lacy, 113th Field Artillery (15 letters); Pvt. Eugene Chisholm, 120th Infantry;

Corpl. Harvey MacNair, 119th Infantry; Pvt. Morris T. Matkins, 38th Infantry; Pvt. Melvin M. Deese, Coast Artillery; Pvt. Fred W. Landrum, 7th Infantry; Pvt. W. L. Trevathan, 23d Engineers; Pvt. Edward Mills, American Ambulance Service; Pvt. Joseph D. Boushall, aviator; Miss Lillian Holliday, nurse, A. R. C.

HALL OF HISTORY

The Director of the Hall of History submits the following report:

COUNTY RECORDS

The collections secured for the Hall of History during the past two years were notable both in number and variety. Much traveling was required, and every county in the State was visited in order to secure county and local records of a purely historical character and not in current use. It was found that fully half the counties have no records of historical value except those in current use, mainly because of destruction by fire or by carelessness in past years. In some cases moths and other pests, or exposure, have destroyed a vast number of documents. It was found that a surprisingly large number of courthouses have been burned, some counties having suffered as many as three fires. An inventory was made of records in the various courthouses, and much material was brought in, placed in the bins and insectified, then arranged in the filing room of the Historical Commission.

CONFEDERATE RELICS

The largest collection of Confederate relics secured from one organization during the period is a deposit by the Cape Fear Chapter, U. D. C., of Wilmington, embracing about three hundred and forty objects. The collection had for many years been shown in a room in the Armory of the Wilmington Light Infantry, where it was seen by but few persons. Some of the objects are in poor condition but a large number have been placed on view in the Hall of History. There is a printed catalogue of the collection, furnished by the Cape Fear Chapter. Among the objects thus acquired is an oil portrait of Capt. J. F. S. Von Bokkelen, Gen. W. H. C. Whiting's telegraph instrument, the Confederate secret telegraph code, in cipher, a number of articles of domestic use in North Carolina during the Civil War period, and this part has been specially grouped in a case. A notable part of the collection is a picture of a Confederate camp; engravings of the attack upon and defense of Fort Fisher; and a collection of photographs of Confederate officers from North Carolina. Gen. James I. Metts, commanding the North Carolina Confederate Veterans, gave invaluable aid in securing the collection.

FLAGS

Flags of the following units were added to our collection; Forty-second Regiment, N. C. State Troops, brought from Appomattox by Major Brown of the regiment, deposited by Col. J. C. Bessent of Winston-Salem; the Confederate cruiser "Shenandoah," commanded by Capt. James Iredell Waddell, presented by Mr. Elliott Waddell, of Columbus, Ga., through his sisters, the Misses Waddell, of Asheville; Manly's Battery, C. S. A., of Raleigh, presented by Mrs. B. C. Manly, of Salisbury; Buncombe Riflemen, Asheville, 1861, by Fred A. Olds; Company K, 1st N. C. Regiment, U. S. Volunteers, War with Spain, 1898, presented by Capt. William R. Beavers, of Raleigh; Lexington Wildcats, 1861, presented by Mr. C. A. Hunt, Sr., of Lexington; Thirty-third Regiment, N. C. State Troops, C. S. A., captured by United States Troops at New Bern, 1862, presented by Mrs. Mary Ensign, of Buffalo, N. Y.; Cleveland Guards, of Shelby, 1861, presented by Shelby Chapter, U. D. C,; Headquarters flag, North Carolina National Guard Brigade, on the Mexican Border, 1916-1917, commanded by Gen. Lawrence W. Young, who presented this color to the Hall of History; French flag displayed on an American ambulance in France, deposited by Robert H. Bridgers, of Raleigh, who was in that service; the "Over the Top" flag awarded North Carolina in the third Liberty Loan drive; presented by Governor Bickett; flag of the Secretary of the Navy, deposited by Secretary Daniels; "Raines banner," awarded to the North Carolina U. D. C. by the National U. D. C., for the best Confederate historical work in 1917.

COINS

Two collections; one from Mr. Patrick Matthew of Edenton, as a memorial to his late wife; the other by Mr. W. J. Lucas of New Bern; Mr. J. Harry White, of Graham contributing a North Carolina gold piece minted at Rutherfordton.

MASONIC

Grand Master's jewel, apron and baldrick of Governor Richard Caswell, presented by Radiance Lodge, of Snow Hill.

WAR OF THE REGULATION

Handbell used by the Regulators at the battle of the Alamance, May, 1771, presented by Rev. Dr. D. A. Long, of Graham.

REVOLUTIONARY MATERIALS

Musket carried by a sergeant of the Royal Welch Fusileers, presented by Mr. J. T. Wyatt, of Faith, Rowan County; relics and documents, by Mr. M. O. Dickinson, of Rutherfordton.

DANIEL BOONE

A deed and other documents, presented by Mr. J. R. McCrary, of Lexington.

THE POLK FAMILY

Relics of President James Knox Polk and his brother, William H. Polk, U. S. Army, including the latter's chapeau and sword worn as envoy to the Court of Naples; his uniform as a United States dragoon officer; chapeau of Santa Anna, the noted Mexican General, captured by Major Polk's regiment; the flag of a Mexican artillery regiment, captured and presented to Major Polk by a brother officer; the arms of the Polk family, brooch, knee buckle, etc., all deposited by Major Polk's son, Mr. Tasker Polk, of Warrenton.

SWORDS

Major-General William H. C. Whiting, Colonel John J. Hedrick, Fortieth N. C. Regiment; Colonel Gaston Meares, Third N. C. Regiment; Major James Reilly, Fortieth Regiment; Captains James I. Metts, J. F. S. Van Bokkelen, and James W. Barnes of the Third N. C. Regiment—all of the Confederate service, and all from Cape Fear Chapter U. D. C., Captain Louis D. Wilson, U. S. A., in the War with Mexico, 1847, presented by Dr. Charles H. Barron, of Edgecombe County. Major Basil C. Manly, C. S. A., (first owned by Captain George B. Singletary), presented by Mrs. Manly, of Salisbury. Captain Otway Burns of the U. S. Privateer "Snapdragon," War of 1812; presented by W. J. Lucas of New Bern. Spanish Commander at Cavite, Philippine Islands, surrendered to Captain Coghlan of the U. S. Cruiser Raleigh, given by him to Dr. James Sprunt of Wilmington, and presented by the latter.

EARLY RAILWAYS

Much material about the first railways in North Carolina, including pictures, time-tables, etc., presented by the family of the late Treasurer W. W. Vass of the Seaboard Air Line, Raleigh.

CONFEDERATE SCHOOL BOOKS

A collection, mainly published in North Carolina, made by Mr. J. W. Thackston of Raleigh, and presented by Mrs. Thackston.

MEDALS

Bronze, issued by Congress in memory of Captain Johnston Blakely, U. S. Navy, War of 1812, for his victory in the Wasp over the Reindeer; bronze, by order of Congress, in honor of Cyrus W. Field, who laid the first working Atlantic cable, 1867; bronze, issued by the Columbian

Exposition to President A. B. Andrews of Raleigh, for the construction of the Western North Carolina Railway; silver, struck in honor of the dedication of the statue of Robert E. Lee at Richmond; both these being presented by the Andrews family.

MUSICAL INSTRUMENTS

Horns of the band of the Thirty-third N. C. Regiment, C. S. A., together with hand-written music used by it, and a photograph of Bandsman O. J. Lehman of Bethania, N. C.

OIL PORTRAITS

Oil portraits were secured of the following:

George Burgwyn Anderson (1831-1862); Brigadier-General, C. S. A.; died of a wound received at the battle of Sharpsburg (Antietam). Presented by Mrs. William E. Anderson. Painted by William Garl Browne.

Henry Theodore Bahnson (1845-1917); President of the North Carolina Medical Society. Presented by the North Carolina Medical Society.

Bryan Grimes (1793-1860), planter. Painted by William Garl Browne. Presented by J. Bryan Grimes.

Mrs. Anne Horniblow, signer of the pledge of the Edenton Tea Party. Presented by Miss Penelope Norcom.

James Cathcart Johnston (1782-1865), planter. Presented by Miss Sallie Dortch, grand-daughter of Thomas D. Hogg, to whom the portrait was presented by Mr. Johnston.

James Norcom (1778-1850); physician; Honorary Member of the North Carolina Medical Society. Presented by Miss Penelope Norcom.

Mrs. James Norcom, wife of Dr. James Norcom. Presented by Miss Penelope Norcom.

William Dorsey Pender (1834-1863); Major-General, C. S. A. Died of wound received at the battle of Gettysburg. Presented by Mrs. W. D. Pender.

Richard Henry Whitehead (1865-1916); physician; Dean of the School of Medicine, University of North Carolina, 1890-1905; Dean of the School of Medicine, University of Virginia, 1905-1916. Painted by Alpheus P. Cole. Presented by the North Carolina Medical Society.

Respectfully submitted,

Fred A. Olds,
Director, Hall of History.

LEGISLATIVE REFERENCE LIBRARY

DEATH OF W. S. WILSON

On December 18, 1918, Mr. W. S. Wilson, Legislative Reference Librarian, died at his home in Raleigh. Although Mr. Wilson's death occurred subsequent to the period covered by this report, I cannot refrain from recording here the loss which the Historical Commission and the State has sustained in his death. He was the creator and organizer of the Legislative Reference Library, which was established by the General Assembly of 1915. In the brief space of three years he made his department not only indispensable to the General Assembly, but generally one of the most useful departments of the State government. His success was due to the fact that he carried into his office a sprit of service which he refused to permit to be deadened by the letter of the law. If he referred frequently to the law creating his department it was not for the purpose of finding therein restrictions upon his activities or excuses to plead against his being required to do this or that task, but for the purpose of finding authority for entering broader fields of activity, developing new lines of usefulness, and opening new doors of service, and such authority he never failed to find. Indefatigable in service, efficient in work, zealous in spirit, he came to be generally recognized as one of the State's most useful men, a citizen fully and faithfully performing the duties of citizenship.

WORK OF THE LEGISLATIVE REFERENCE LIBRARY

The death of Mr. Wilson, before he could prepare a report of his work for the past two years, prevents any detailed account of the work of the Legislative Reference Library for that period. The chief feature of the work during this period was the services rendered to the General Assembly of 1917, the first session of the Legislature after the creation of the Library. These services fully justified the establishment of the Library. By furnishing information on a wide range of subjects, in the preparation of bills, and through advice to members of the General Assembly the Library greatly facilitated the work of the Legislature and won high commendation. Its success was due chiefly to the industry, wide knowledge and experience in legislative matters, unfailing courtesy, and spirit of helpfulness displayed by Mr. Wilson. In addition to this service, Mr. Wilson pushed forward actively the work outlined in his first report, in building up the library, arranging, and filing documents, and gathering, tabulating, and preparing for use information on possible subjects of legislation likely to come before the General Assembly of 1919. Mr. Wilson's activities were not confined to the duties imposed by law, but embraced services to the State, counties, cities and towns, and to organizations and individuals interested in the development of the State too numerous to mention.

PUBLICATIONS

During the period covered by this report the Legislative Reference Library issued the following publications:

Amendments to Revisal of 1905, enacted by the General Assembly of North Carolina, 1917. Compiled by W. S. Wilson, Legislative Reference Librarian. 87 pages.

North Carolina Blue Book, 1918. Compiled and edited by W. S. Wilson, Legislative Reference Librarian. 310 pages.

Improvement and Care of Rural Cemeteries. By W. S. Wilson, Legislative Reference Librarian. 13 pages.

Official Vote for United States Senator, members Corporation Commission, Chief Justice and Associate Justices of the Supreme Court, Judges of the Superior Court, Congressmen, Solicitors, and Constitutional Amendments cast at November election, 1918, and List of Members of the General Assembly. Compiled by W. S. Wilson, Legislative Reference Library. 39 pages.

Respectfully submitted,

R. D. W. Connor,

Secretary.

400

This book may be kept
FOURTEEN DAYS
A fine of 2 cents will be charged for each day
the book is kept overtime.

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N86